



Reprinted  
March 25, 2015

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## ENGROSSED SENATE BILL No. 420

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DIGEST OF SB 420 (Updated March 24, 2015 3:00 pm - DI 77)

**Citations Affected:** IC 5-1; IC 5-2; IC 6-1.1; IC 10-13; IC 11-8; IC 11-10; IC 11-12; IC 11-13; IC 12-7; IC 12-9; IC 12-10; IC 12-11; IC 12-15; IC 12-20; IC 12-26; IC 12-28; IC 12-29; IC 16-18; IC 16-39; IC 16-41; IC 22-4; IC 27-8; IC 31-34; IC 31-37; IC 34-6; IC 34-18; IC 35-31.5; IC 35-36; IC 35-37; IC 35-50.

**Synopsis:** Developmental disability terminology. Changes the term "mental retardation" to "intellectual disability". Makes technical corrections.

**Effective:** July 1, 2015.

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**Grooms, Becker, Kruse, Breaux,  
Alting, Brown L, Glick, Walker**

(HOUSE SPONSORS — CLERE, KLINKER, MCNAMARA, PORTER)

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January 12, 2015, read first time and referred to Committee on Family & Children Services.

January 27, 2015, amended, reported favorably — Do Pass.

January 29, 2015, read second time, ordered engrossed. Engrossed.

February 2, 2015, read third time, passed. Yeas 44, nays 0.

HOUSE ACTION

March 3, 2015, read first time and referred to Committee on Public Health.

March 19, 2015, reported — Do Pass.

March 24, 2015, read second time, amended, ordered engrossed.

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ES 420—LS 6663/DI 77





Reprinted  
March 25, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED SENATE BILL No. 420

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A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-1-16-1, AS AMENDED BY P.L.99-2007,  
2       SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 1. As used in this chapter:  
4       "Authority" refers to the Indiana finance authority.  
5       "Bonds" includes bonds, refunding bonds, notes, interim  
6       certificates, bond anticipation notes, and other evidences of  
7       indebtedness of the authority, issued under this chapter.  
8       "Building" or "buildings" or similar words mean any building or part  
9       of a building or addition to a building for health care purposes. The  
10      term includes the site for the building (if a site is to be acquired),  
11      equipment, heating facilities, sewage disposal facilities, landscaping,  
12      walks, drives, parking facilities, and other structures, facilities,  
13      appurtenances, materials, and supplies that may be considered  
14      necessary to render a building suitable for use and occupancy for health  
15      care purposes.  
16      "Cost" includes the following:

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(1) The cost and the incidental and related costs of the acquisition, repair, restoration, reconditioning, refinancing, or installation of health facility property.

(2) The cost of any property interest in health facility property, including an option to purchase a leasehold interest.

(3) The cost of constructing health facility property, or an addition to health facility property, acquiring health facility property, or remodeling health facility property.

(4) The cost of architectural, engineering, legal, trustee, underwriting, and related services; the cost of the preparation of plans, specifications, studies, surveys, and estimates of cost and of revenue; and all other expenses necessary or incident to planning, providing, or determining the need for or the feasibility and practicability of health facility property.

(5) The cost of financing charges, including premiums or prepayment penalties and interest accrued during the construction of health facility property or before the acquisition and installation or refinancing of such health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing and startup costs related to health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing.

(6) The costs paid or incurred in connection with the financing of health facility property, including out-of-pocket expenses, the cost of any policy of insurance; the cost of printing, engraving, and reproduction services; and the cost of the initial or acceptance fee of any trustee or paying agent.

(7) The costs of the authority, incurred in connection with providing health facility property, including reasonable sums to reimburse the authority for time spent by its agents or employees in providing and financing health facility property.

(8) The cost paid or incurred for the administration of any program for the purchase or lease of or the making of loans for health facility property, by the authority and any program for the sale or lease of or making of loans for health facility property to any participating provider.

"County" means any county in the state that owns and operates a county hospital.

"Health facility property" means any tangible or intangible property or asset owned or used by a participating provider and which:

(1) is determined by the authority to be necessary or helpful, directly or indirectly, to provide:



- 1 (A) health care;
- 2 (B) medical research;
- 3 (C) training or teaching of health care personnel;
- 4 (D) habilitation, rehabilitation, or therapeutic services; or
- 5 (E) any related supporting services;
- 6 regardless of whether such property is in existence at the time of,
- 7 or is to be provided after the making of, such finding;
- 8 (2) is a residential facility for:
- 9 (A) individuals with a physical, mental, or emotional
- 10 disability;
- 11 (B) individuals with a physical or mental illness; or
- 12 (C) the elderly; or
- 13 (3) is a licensed child caring institution providing residential care
- 14 described in IC 12-7-2-29(1) or corresponding provisions of the
- 15 laws of the state in which the property is located.
- 16 "Health facility" means any facility or building that is:
- 17 (1) owned or used by a participating provider;
- 18 (2) located:
- 19 (A) in Indiana; or
- 20 (B) outside Indiana, if the participating provider that operates
- 21 the facility or building, or an affiliate of the participating
- 22 provider, also operates a substantial health facility or facilities,
- 23 as determined by the authority, in Indiana; and
- 24 (3) utilized, directly or indirectly:
- 25 (A) in:
- 26 (i) health care;
- 27 (ii) habilitation, rehabilitation, or therapeutic services;
- 28 (iii) medical research;
- 29 (iv) the training or teaching of health care personnel; or
- 30 (v) any related supporting services;
- 31 (B) to provide a residential facility for:
- 32 (i) individuals with a physical, mental, or emotional
- 33 disability;
- 34 (ii) individuals with a physical or mental illness; or
- 35 (iii) the elderly; or
- 36 (C) as a child caring institution and provides residential care
- 37 described in IC 12-7-2-29(1) or corresponding provisions of
- 38 the laws of the state in which the facility or building is located.
- 39 "Net revenues" means the revenues of a hospital remaining after
- 40 provision for proper and reasonable expenses of operation, repair,
- 41 replacement, and maintenance of the hospital.
- 42 "Participating provider" means a person, corporation, municipal



corporation, political subdivision, or other entity, public or private,  
which:

- (1) is located in Indiana or outside Indiana;
- (2) contracts with the authority for the financing or refinancing of, or the lease or other acquisition of, health facility property that is located:
  - (A) in Indiana; or
  - (B) outside Indiana, if the financing, refinancing, lease, or other acquisition also includes a substantial component, as determined by the authority, for the benefit of a health facility or facilities located in Indiana;
- (3) is:
  - (A) licensed under IC 12-25, IC 16-21, IC 16-28, or corresponding laws of the state in which the property is located;
  - (B) a regional blood center;
  - (C) a community mental health center or community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center (as defined in IC 12-7-2-38 and IC 12-7-2-39 or corresponding provisions of laws of the state in which the property is located);
  - (D) an entity that:
    - (i) contracts with the division of disability and rehabilitative services or the division of mental health and addiction to provide the program described in IC 12-11-1.1-1(e) or IC 12-22-2; or
    - (ii) provides a similar program under the laws of the state in which the entity is located;
  - (E) a vocational rehabilitation center established under IC 12-12-1-4.1(a)(1) or corresponding provisions of the laws of the state in which the property is located;
  - (F) the owner or operator of a facility that is utilized, directly or indirectly, to provide health care, habilitation, rehabilitation, therapeutic services, medical research, the training or teaching of health care personnel, or any related supporting services, or of a residential facility for individuals with a physical, mental, or emotional disability, individuals with a physical or mental illness, or the elderly;
  - (G) a licensed child caring institution providing residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the property is located;
  - (H) an integrated health care system between or among



providers, a health care purchasing alliance, a health insurer or third party administrator that is a participant in an integrated health care system, a health maintenance or preferred provider organization, or a foundation that supports a health care provider; or

(I) an individual, a business entity, or a governmental entity that owns an equity or membership interest in any of the organizations described in clauses (A) through (H); and

(4) in the case of a person, corporation, municipal corporation, political subdivision, or other entity located outside Indiana, is owned or controlled by, under common control with, affiliated with, or part of an obligated group that includes an entity that provides one (1) or more of the following services or facilities in Indiana:

(A) A facility that provides:

- (i) health care;
- (ii) habilitation, rehabilitation, or therapeutic services;
- (iii) medical research;
- (iv) training or teaching of health care personnel; or
- (v) any related supporting services.

(B) A residential facility for:

- (i) individuals with a physical, mental, or emotional disability;
- (ii) individuals with a physical or mental illness; or
- (iii) the elderly.

(C) A child caring institution providing residential care described in IC 12-7-2-29(1).

"Regional blood center" means a nonprofit corporation or corporation created under 36 U.S.C. 1 that:

(1) is:

- (A) accredited by the American Association of Blood Banks; or
- (B) registered or licensed by the Food and Drug Administration of the Department of Health and Human Services; and

(2) owns and operates a health facility that is primarily engaged in:

- (A) drawing, testing, processing, and storing human blood and providing blood units or components to hospitals; or
- (B) harvesting, testing, typing, processing, and storing human body tissue and providing this tissue to hospitals.

SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.164-2014,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:





- 1 (A) persons with autism, mental illness, addictive disorders,  
2 ~~mental retardation~~, **intellectual disabilities**, and  
3 developmental disabilities;
- 4 (B) missing endangered adults (as defined in IC 12-7-2-131.3);  
5 and
- 6 (C) persons with Alzheimer's disease or related senile  
7 dementia;
- 8 to be provided by persons approved by the secretary of family and  
9 social services and the board.
- 10 (10) Minimum standards for a course of study on human and  
11 sexual trafficking that must be required for each person accepted  
12 for training at a law enforcement training school or academy and  
13 for inservice training programs for law enforcement officers. The  
14 course must cover the following topics:  
15 (A) Examination of the human and sexual trafficking laws  
16 (IC 35-42-3.5).  
17 (B) Identification of human and sexual trafficking.  
18 (C) Communicating with traumatized persons.  
19 (D) Therapeutically appropriate investigative techniques.  
20 (E) Collaboration with federal law enforcement officials.  
21 (F) Rights of and protections afforded to victims.  
22 (G) Providing documentation that satisfies the Declaration of  
23 Law Enforcement Officer for Victim of Trafficking in Persons  
24 (Form I-914, Supplement B) requirements established under  
25 federal law.  
26 (H) The availability of community resources to assist human  
27 and sexual trafficking victims.
- 28 (b) A law enforcement officer appointed after July 5, 1972, and  
29 before July 1, 1993, may not enforce the laws or ordinances of the state  
30 or any political subdivision unless the officer has, within one (1) year  
31 from the date of appointment, successfully completed the minimum  
32 basic training requirements established under this chapter by the board.  
33 If a person fails to successfully complete the basic training  
34 requirements within one (1) year from the date of employment, the  
35 officer may not perform any of the duties of a law enforcement officer  
36 involving control or direction of members of the public or exercising  
37 the power of arrest until the officer has successfully completed the  
38 training requirements. This subsection does not apply to any law  
39 enforcement officer appointed before July 6, 1972, or after June 30,  
40 1993.
- 41 (c) Military leave or other authorized leave of absence from law  
42 enforcement duty during the first year of employment after July 6,



1 1972, shall toll the running of the first year, which shall be calculated  
 2 by the aggregate of the time before and after the leave, for the purposes  
 3 of this chapter.

4 (d) Except as provided in subsections (e), (l), (r), and (s), a law  
 5 enforcement officer appointed to a law enforcement department or  
 6 agency after June 30, 1993, may not:

- 7 (1) make an arrest;
- 8 (2) conduct a search or a seizure of a person or property; or
- 9 (3) carry a firearm;

10 unless the law enforcement officer successfully completes, at a board  
 11 certified law enforcement academy or at a law enforcement training  
 12 center under section 10.5 or 15.2 of this chapter, the basic training  
 13 requirements established by the board under this chapter.

14 (e) This subsection does not apply to:

- 15 (1) a gaming agent employed as a law enforcement officer by the  
 16 Indiana gaming commission; or
- 17 (2) an:
- 18 (A) attorney; or
- 19 (B) investigator;

20 designated by the securities commissioner as a police officer of  
 21 the state under IC 23-19-6-1(k).

22 Before a law enforcement officer appointed after June 30, 1993,  
 23 completes the basic training requirements, the law enforcement officer  
 24 may exercise the police powers described in subsection (d) if the  
 25 officer successfully completes the pre-basic course established in  
 26 subsection (f). Successful completion of the pre-basic course authorizes  
 27 a law enforcement officer to exercise the police powers described in  
 28 subsection (d) for one (1) year after the date the law enforcement  
 29 officer is appointed.

30 (f) The board shall adopt rules under IC 4-22-2 to establish a  
 31 pre-basic course for the purpose of training:

- 32 (1) law enforcement officers;
- 33 (2) police reserve officers (as described in IC 36-8-3-20); and
- 34 (3) conservation reserve officers (as described in IC 14-9-8-27);

35 regarding the subjects of arrest, search and seizure, the lawful use of  
 36 force, interacting with individuals with autism, and the operation of an  
 37 emergency vehicle. The pre-basic course must be offered on a periodic  
 38 basis throughout the year at regional sites statewide. The pre-basic  
 39 course must consist of at least forty (40) hours of course work. The  
 40 board may prepare the classroom part of the pre-basic course using  
 41 available technology in conjunction with live instruction. The board  
 42 shall provide the course material, the instructors, and the facilities at



the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, ~~mental retardation~~, **intellectual disabilities**, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.



(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) The program must require training in interacting with individuals with autism.

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

(1) Liability.

(2) Media relations.

(3) Accounting and administration.

(4) Discipline.

(5) Department policy making.

(6) Lawful use of force.

(7) Department programs.

(8) Emergency vehicle operation.

(9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

(1) the police chief of any city;

(2) the police chief of any town having a metropolitan police department; and

(3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.



(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and

(3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

(3) is hired under subdivision (1) in an upper level policymaking position; and

(4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements.

(p) Subject to subsection (q), an officer to whom subsection (n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course



described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.
- (2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:
  - (A) the position held by the police chief or town marshal; and
  - (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.
- (3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:
  - (A) the position held by the police chief or town marshal; and



(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(u) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

- (1) the officer successfully completes the pre-basic course described in subsection (f); and
- (2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

SECTION 3. IC 6-1.1-18.5-10, AS AMENDED BY P.L.112-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit to be used to fund:

(1) community mental health centers under:

- (A) IC 12-29-2-1.2, for only those civil taxing units that authorized financial assistance under IC 12-29-1 before 2002 for a community mental health center as long as the tax levy under this section does not exceed the levy authorized in 2002;
- (B) IC 12-29-2-2 through IC 12-29-2-5; and
- (C) IC 12-29-2-13; or

(2) community ~~mental retardation~~ **intellectual disability** and other developmental disabilities centers under IC 12-29-1-1; to the extent that those property taxes are attributable to any increase in the assessed value of the civil taxing unit's taxable property caused by a general reassessment of real property under IC 6-1.1-4-4 or a reassessment of real property under a reassessment plan prepared under IC 6-1.1-4-4.2 that took effect after February 28, 1979.

(b) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy described in subsection (a).

(c) This subsection applies to property taxes first due and payable after December 31, 2008. Notwithstanding subsections (a) and (b) or any other law, any property taxes imposed by a civil taxing unit that are exempted by this section from the ad valorem property tax levy limits imposed by section 3 of this chapter may not increase annually by a percentage greater than the result of:

- (1) the assessed value growth quotient determined under section



- 1           2 of this chapter; minus  
 2           (2) one (1).  
 3       (d) For a county that:  
 4           (1) did not impose an ad valorem property tax levy in 2008 for the  
 5           county general fund to provide financial assistance under  
 6           IC 12-29-1 (community ~~mental retardation~~ **intellectual disability**  
 7           and other developmental disabilities center) or IC 12-29-2  
 8           (communitiy mental health center); and  
 9           (2) determines for 2009 or a later calendar year to impose a levy  
 10          as described in subdivision (1);  
 11       the ad valorem property tax levy limits imposed under section 3 of this  
 12       chapter do not apply to the part of the county's general fund levy that  
 13       is used in the first calendar year for which a determination is made  
 14       under subdivision (2) to provide financial assistance under IC 12-29-1  
 15       or IC 12-29-2. The department of local government finance shall  
 16       review a county's proposed budget that is submitted under IC 12-29-1-1  
 17       or IC 12-29-2-1.2 and make a final determination of the amount to  
 18       which the levy limits do not apply under this subsection for the first  
 19       calendar year for which a determination is made under subdivision (2).  
 20       (e) The ad valorem property tax levy limits imposed under section  
 21       3 of this chapter do not apply to the county's general fund levy in the  
 22       amount determined by the department of local government finance  
 23       under subsection (d) in each calendar year following the calendar year  
 24       for which the determination under subsection (b) is made.  
 25       SECTION 4. IC 10-13-3-36, AS AMENDED BY P.L.121-2009,  
 26       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27       JULY 1, 2015]: Sec. 36. (a) The department may not charge a fee for  
 28       responding to a request for the release of a limited criminal history  
 29       record if the request is made by a nonprofit organization:  
 30           (1) that has been in existence for at least ten (10) years; and  
 31           (2) that:  
 32               (A) has a primary purpose of providing an individual  
 33               relationship for a child with an adult volunteer if the request  
 34               is made as part of a background investigation of a prospective  
 35               adult volunteer for the organization;  
 36               (B) is a home health agency licensed under IC 16-27-1;  
 37               (C) is a community ~~mental retardation~~ **intellectual disability**  
 38               and other developmental disabilities center (as defined in  
 39               IC 12-7-2-39);  
 40               (D) is a supervised group living facility licensed under  
 41               IC 12-28-5;  
 42               (E) is an area agency on aging designated under IC 12-10-1;





- 1 (F) is a community action agency (as defined in  
 2 IC 12-14-23-2);  
 3 (G) is the owner or operator of a hospice program licensed  
 4 under IC 16-25-3; or  
 5 (H) is a community mental health center (as defined in  
 6 IC 12-7-2-38).
- 7 (b) Except as provided in subsection (d), the department may not  
 8 charge a fee for responding to a request for the release of a limited  
 9 criminal history record made by the department of child services or the  
 10 division of family resources if the request is made as part of a  
 11 background investigation of an applicant for a license under IC 12-17.2  
 12 or IC 31-27.
- 13 (c) The department may not charge a fee for responding to a request  
 14 for the release of a limited criminal history if the request is made by a  
 15 school corporation, special education cooperative, or nonpublic school  
 16 (as defined in IC 20-18-2-12) as part of a background investigation of  
 17 a prospective or current employee or a prospective or current adult  
 18 volunteer for the school corporation, special education cooperative, or  
 19 nonpublic school.
- 20 (d) As used in this subsection, "state agency" means an authority, a  
 21 board, a branch, a commission, a committee, a department, a division,  
 22 or another instrumentality of state government, including the executive  
 23 and judicial branches of state government, the principal secretary of the  
 24 senate, the principal clerk of the house of representatives, the executive  
 25 director of the legislative services agency, a state elected official's  
 26 office, or a body corporate and politic, but does not include a state  
 27 educational institution. The department may not charge a fee for  
 28 responding to a request for the release of a limited criminal history if  
 29 the request is made:  
 30 (1) by a state agency; and  
 31 (2) through the computer gateway that is administered by the  
 32 office of technology established by IC 4-13.1-2-1.
- 33 (e) The department may not charge a fee for responding to a request  
 34 for the release of a limited criminal history record made by the Indiana  
 35 professional licensing agency established by IC 25-1-5-3 if the request  
 36 is:  
 37 (1) made through the computer gateway that is administered by  
 38 the office of technology; and  
 39 (2) part of a background investigation of a practitioner or an  
 40 individual who has applied for a license issued by a board (as  
 41 defined in IC 25-1-9-1).
- 42 (f) The department may not charge a church or religious society a



1 fee for responding to a request for the release of a limited criminal  
2 history record if:

3 (1) the church or religious society is a religious organization  
4 exempt from federal income taxation under Section 501 of the  
5 Internal Revenue Code;

6 (2) the request is made as part of a background investigation of a  
7 prospective or current employee or a prospective or current adult  
8 volunteer; and

9 (3) the employee or volunteer works in a nonprofit program or  
10 ministry of the church or religious society, including a child care  
11 ministry registered under IC 12-17.2-6.

12 (g) The department may not charge the school of education of a  
13 public or private postsecondary educational institution a fee for  
14 responding to a request for the release of a limited criminal history  
15 record if the request is made as part of a background investigation of  
16 a student before or after the student begins the student's field or  
17 classroom experience. However, the department may charge the  
18 student a fee for responding to a request for the release of a limited  
19 criminal history record.

20 SECTION 5. IC 11-8-2-8, AS AMENDED BY P.L.100-2012,  
21 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2015]: Sec. 8. (a) The department shall cooperate with the  
23 state personnel department in establishing minimum qualification  
24 standards for employees of the department and in establishing a system  
25 of personnel recruitment, selection, employment, and distribution.

26 (b) The department shall conduct training programs designed to  
27 equip employees for duty in its facilities and programs and raise their  
28 level of performance. Training programs conducted by the department  
29 need not be limited to inservice training. They may include  
30 preemployment training, internship programs, and scholarship  
31 programs in cooperation with appropriate agencies. When funds are  
32 appropriated, the department may provide educational stipends or  
33 tuition reimbursement in such amounts and under such conditions as  
34 may be determined by the department and the personnel department.

35 (c) The department shall conduct a training program on cultural  
36 diversity awareness that must be a required course for each employee  
37 of the department who has contact with incarcerated persons.

38 (d) The department shall provide six (6) hours of training to  
39 employees who interact with persons with mental illness, addictive  
40 disorders, ~~mental retardation~~, **intellectual disabilities**, and  
41 developmental disabilities concerning the interaction, to be taught by  
42 persons approved by the secretary of family and social services, using



1 teaching methods approved by the secretary of family and social  
 2 services and the commissioner. The commissioner or the  
 3 commissioner's designee may credit hours of substantially similar  
 4 training received by an employee toward the required six (6) hours of  
 5 training.

6 (e) The department shall establish a correctional officer training  
 7 program with a curriculum, and administration by agencies, to be  
 8 determined by the commissioner. A certificate of completion shall be  
 9 issued to any person satisfactorily completing the training program. A  
 10 certificate may also be issued to any person who has received training  
 11 in another jurisdiction if the commissioner determines that the training  
 12 was at least equivalent to the training program maintained under this  
 13 subsection.

14 SECTION 6. IC 11-10-3-4, AS AMENDED BY P.L.159-2012,  
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2015]: Sec. 4. (a) The department shall establish directives  
 17 governing:

18 (1) medical care to be provided to committed individuals,  
 19 including treatment for ~~mental retardation~~, **intellectual**  
 20 **disabilities**, alcoholism, and drug addiction;

21 (2) administration of medical facilities and health centers  
 22 operated by the department;

23 (3) medical equipment, supplies, and devices to be available for  
 24 medical care;

25 (4) provision of special diets to committed individuals;

26 (5) acquisition, storage, handling, distribution, and dispensing of  
 27 all medication and drugs;

28 (6) the return of unused medications that meet the requirements  
 29 of IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6) to the  
 30 pharmacy that dispensed the medication;

31 (7) training programs and first aid emergency care for committed  
 32 individuals and department personnel;

33 (8) medical records of committed individuals; and

34 (9) professional staffing requirements for medical care.

35 (b) The state department of health shall make an annual inspection  
 36 of every health facility, health center, or hospital:

37 (1) operated by the department; and

38 (2) not accredited by a nationally recognized accrediting  
 39 organization;

40 and report to the commissioner whether that facility, center, or hospital  
 41 meets the requirements established by the state department of health.

42 Any noncompliance with those requirements must be stated in writing



1 to the commissioner, with a copy to the governor.

2 (c) For purposes of IC 4-22-2, the term "directive" as used in this  
3 section relates solely to internal policy and procedure not having the  
4 force of law.

5 (d) For purposes of subsection (a)(6), the department:

6 (1) shall return medication that belonged to a Medicaid recipient;  
7 and

8 (2) may return other unused medication;  
9 to the pharmacy that dispensed the medication if the unused medication  
10 meets the requirements of IC 25-26-13-25(k)(1) through  
11 IC 25-26-13-25(k)(6).

12 (e) The department may establish directives concerning the return  
13 of unused medical devices or medical supplies that are used for  
14 prescription drug therapy and that meet the requirements of  
15 IC 25-26-13-25(l).

16 (f) A pharmacist or pharmacy that enters into an agreement with the  
17 department to accept the return of:

18 (1) unused medications that meet the requirements of  
19 IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6); or

20 (2) unused medical devices or medical supplies that are used for  
21 prescription drug therapy and that meet the requirements of  
22 IC 25-26-13-25(l);

23 may negotiate with the department a fee for processing the returns.

24 SECTION 7. IC 11-12-2-1, AS AMENDED BY P.L.168-2014,  
25 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2015]: Sec. 1. (a) For the purpose of encouraging counties to  
27 develop a coordinated local corrections-criminal justice system and  
28 providing effective alternatives to imprisonment at the state level, the  
29 commissioner shall, out of funds appropriated for such purposes, make  
30 grants to counties for the establishment and operation of community  
31 corrections programs. Appropriations intended for this purpose may not  
32 be used by the department for any other purpose. Money appropriated  
33 to the department of correction for the purpose of making grants under  
34 this chapter and any financial aid payments suspended under section 6  
35 of this chapter do not revert to the state general fund at the close of any  
36 fiscal year, but remain available to the department of correction for its  
37 use in making grants under this chapter.

38 (b) Before March 1, 2015, the department shall estimate the amount  
39 of any operational cost savings that will be realized in the state fiscal  
40 year ending June 30, 2015, from a reduction in the number of  
41 individuals who are in the custody or made a ward of the department  
42 of correction (as described in IC 11-8-1-5) that is attributable to the



1 sentencing changes made in HEA 1006-2014 as enacted in the 2014  
 2 session of the general assembly. The department shall make the  
 3 estimate under this subsection based on the best available information.  
 4 If the department estimates that operational cost savings described in  
 5 this subsection will be realized in the state fiscal year ending June 30,  
 6 2015, the following apply to the department:

7 (1) The department shall certify the estimated amount of  
 8 operational cost savings that will be realized to the budget agency  
 9 and to the auditor of state.

10 (2) The department may, after review by the budget committee  
 11 and approval by the budget agency, make additional grants as  
 12 provided in this chapter to counties for the establishment and  
 13 operation of community corrections programs from funds  
 14 appropriated to the department for the department's operating  
 15 expenses for the state fiscal year.

16 (3) The department may, after review by the budget committee  
 17 and approval by the budget agency, transfer funds appropriated to  
 18 the department for the department's operating expenses for the  
 19 state fiscal year to the judicial conference of Indiana to be used by  
 20 the judicial conference of Indiana to provide additional financial  
 21 aid for the support of court probation services under the program  
 22 established under IC 11-13-2.

23 (4) The maximum aggregate amount of additional grants and  
 24 transfers that may be made by the department under subdivisions  
 25 (2) and (3) for the state fiscal year may not exceed the lesser of:

26 (A) the amount of operational cost savings certified under  
 27 subdivision (1); or

28 (B) eleven million dollars (\$11,000,000).

29 Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds  
 30 necessary to make any additional grants authorized and approved under  
 31 this subsection and for any transfers authorized and approved under  
 32 this subsection, and for providing the additional financial aid to courts  
 33 from transfers authorized and approved under this subsection, is  
 34 appropriated for those purposes for the state fiscal year ending June 30,  
 35 2015, and the amount of the department's appropriation for operating  
 36 expenses for the state fiscal year ending June 30, 2015, is reduced by  
 37 a corresponding amount. This subsection expires June 30, 2015.

38 (c) The commissioner shall give priority in issuing community  
 39 corrections grants to programs that provide alternative sentencing  
 40 projects for persons with mental illness, addictive disorders, ~~mental~~  
 41 ~~retardation~~, **intellectual disabilities**, and developmental disabilities.

42 SECTION 8. IC 11-12-4-4 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) As used in this  
 2 section, "jail officer" means a person whose duties include the daily or  
 3 ongoing supervision of county jail inmates.

4 (b) A person may be confined in the county jail only if there is a jail  
 5 officer stationed in the jail.

6 (c) A jail officer whose employment begins after December 31,  
 7 1985, shall complete the training required by this section during the  
 8 first year of employment. This subsection does not apply to a jail  
 9 officer who:

10 (1) has successfully completed minimum basic training  
 11 requirements (other than training completed under IC 5-2-1-9(h))  
 12 for law enforcement officers established by the law enforcement  
 13 training board; or

14 (2) is a law enforcement officer and is exempt from the training  
 15 requirements of IC 5-2-1. For purposes of this subdivision,  
 16 completion of the training requirements of IC 5-2-1-9(h) does not  
 17 exempt an officer from the minimum basic training requirements  
 18 of IC 5-2-1.

19 (d) The law enforcement training board shall develop a forty (40)  
 20 hour program for the specialized training of jail officers. The program  
 21 training must include six (6) hours of training in interacting with  
 22 persons with mental illness, addictive disorders, ~~mental retardation~~,  
 23 **intellectual disabilities**, and developmental disabilities, to be provided  
 24 by persons approved by the secretary of family and social services and  
 25 the law enforcement training board. The remainder of the training shall  
 26 be provided by the board.

27 (e) The board shall certify each person who successfully completes  
 28 such a training program.

29 (f) The department shall pay the cost of training each jail officer.

30 SECTION 9. IC 11-13-1-8, AS AMENDED BY P.L.147-2012,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2015]: Sec. 8. (a) As used in this section, "board" refers to the  
 33 board of directors of the judicial conference of Indiana established by  
 34 IC 33-38-9-3.

35 (b) The board shall adopt rules consistent with this chapter,  
 36 prescribing minimum standards concerning:

37 (1) educational and occupational qualifications for employment  
 38 as a probation officer;

39 (2) compensation of probation officers;

40 (3) protection of probation records and disclosure of information  
 41 contained in those records;

42 (4) presentence investigation reports;



(5) a schedule of progressive probation incentives and violation sanctions, including judicial review procedures; and

(6) qualifications for probation officers to administer probation violation sanctions under IC 35-38-2-3(e).

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees



1 entered by courts having juvenile jurisdiction under  
2 IC 31-34 and IC 31-37.

3 (6) Sources of federal, state, and local funding that is or may be  
4 available to support special education programs for children for  
5 whom proceedings have been initiated under IC 31-34 and  
6 IC 31-37.

7 Training for probation departments may be provided jointly with  
8 training provided to child welfare caseworkers relating to the same  
9 subject matter.

10 (g) The conference shall, in cooperation with the division of mental  
11 health and addiction (IC 12-21) and the division of disability and  
12 rehabilitative services (IC 12-9-1), provide probation departments with  
13 training and technical assistance concerning mental illness, addictive  
14 disorders, ~~mental retardation~~, **intellectual disabilities**, and  
15 developmental disabilities.

16 (h) The conference shall make recommendations to courts and  
17 probation departments concerning:

- 18 (1) selection, training, distribution, and removal of probation  
19 officers;
- 20 (2) methods and procedure for the administration of probation,  
21 including investigation, supervision, workloads, record keeping,  
22 and reporting; and
- 23 (3) use of citizen volunteers and public and private agencies.

24 (i) The conference may delegate any of the functions described in  
25 this section to the advisory committee or the Indiana judicial center.

26 SECTION 10. IC 12-7-2-39, AS AMENDED BY P.L.141-2006,  
27 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2015]: Sec. 39. "Community ~~mental retardation~~ **intellectual**  
29 **disability** and other developmental disabilities centers", for purposes  
30 of IC 12-29 (except as provided in IC 12-29-3-6), means a program of  
31 services that meets the following conditions:

- 32 (1) Is approved by the division of disability and rehabilitative  
33 services.
- 34 (2) Is organized for the purpose of providing multiple services for  
35 persons with developmental disabilities.
- 36 (3) Is operated by one (1) of the following or any combination of  
37 the following:
  - 38 (A) A city, a town, a county, or another political subdivision  
39 of Indiana.
  - 40 (B) An agency of the state.
  - 41 (C) An agency of the United States.
  - 42 (D) A political subdivision of another state.





- 1 (E) A hospital owned or operated by a unit of government
- 2 described in clauses (A) through (D).
- 3 (F) A building authority organized for the purpose of
- 4 constructing facilities to be leased to units of government.
- 5 (G) A corporation incorporated under IC 23-7-1.1 (before its
- 6 repeal August 1, 1991) or IC 23-17.
- 7 (H) A nonprofit corporation incorporated in another state.
- 8 (I) A university or college.
- 9 (4) Is accredited for the services provided by one (1) of the
- 10 following organizations:
- 11 (A) The Commission on Accreditation of Rehabilitation
- 12 Facilities (CARF), or its successor.
- 13 (B) The Council on Quality and Leadership in Supports for
- 14 People with Disabilities, or its successor.
- 15 (C) The Joint Commission on Accreditation of Healthcare
- 16 Organizations (JCAHO), or its successor.
- 17 (D) The National Commission on Quality Assurance, or its
- 18 successor.
- 19 (E) An independent national accreditation organization
- 20 approved by the secretary.

21 SECTION 11. IC 12-7-2-130 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 130. "Mental illness"  
23 means the following:

- 24 (1) For purposes of IC 12-23-5, IC 12-24, and IC 12-26, a
- 25 psychiatric disorder that:
- 26 (A) substantially disturbs an individual's thinking, feeling, or
- 27 behavior; and
- 28 (B) impairs the individual's ability to function.

29 The term includes ~~mental retardation~~, **intellectual disability**,  
30 alcoholism, and addiction to narcotics or dangerous drugs.

- 31 (2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric
- 32 disorder that:
- 33 (A) substantially disturbs an individual's thinking, feeling, or
- 34 behavior; and
- 35 (B) impairs the individual's ability to function.

36 The term does not include developmental disability.

37 SECTION 12. IC 12-7-2-131.3, AS ADDED BY P.L.140-2005,  
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2015]: Sec. 131.3. "Missing endangered adult", for purposes  
40 of IC 12-10-18, means an individual at least eighteen (18) years of age  
41 who is reported missing to a law enforcement agency and is, or is  
42 believed to be:



- (1) a temporary or permanent resident of Indiana;
- (2) at a location that cannot be determined by an individual familiar with the missing individual; and
- (3) incapable of returning to the missing individual's residence without assistance by reason of:

- (A) mental illness;
- (B) ~~mental retardation~~; **intellectual disability**;
- (C) dementia; or
- (D) another physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care.

SECTION 13. IC 12-7-2-136, AS AMENDED BY P.L.99-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 136. "Patient" means the following:

- (1) For purposes of IC 12-24-1-4, an individual who is admitted to a state institution for observation, diagnosis, or treatment.
- (2) For purposes of IC 12-24-7, the meaning set forth in IC 12-24-7-1.
- (3) For purposes of IC 12-24-6, IC 12-24-13, IC 12-24-14, and IC 12-24-15, an individual with a mental illness, an individual who appears to have a mental illness, or an individual with ~~mental retardation~~ **an intellectual disability** who is:
  - (A) in or under the supervision and control of a state institution; or
  - (B) because of mental illness, under the supervision and control of a circuit, superior, or juvenile court.
- (4) For purposes of IC 12-24-17, the meaning set forth in IC 12-24-17-2.
- (5) For purposes of IC 12-27, an individual receiving mental health services or developmental training. The term includes a client of a service provider.

SECTION 14. IC 12-7-2-150 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 150. "Psychiatric disorder", for purposes of section 130(2) of this chapter, means a mental disorder or disease. The term does not include the following:

- (1) ~~Mental retardation~~. **An intellectual disability**.
- (2) A developmental disability.
- (3) Alcoholism.
- (4) Addiction to narcotic or dangerous drugs.

SECTION 15. IC 12-7-2-175 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 175. "Service provider", for purposes of IC 12-27, means any of the following:



- (1) A state institution.
- (2) A private psychiatric hospital licensed under IC 12-25.
- (3) A community mental health center.
- (4) A community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center.
- (5) A service provider certified by the division of mental health and addiction to provide substance abuse treatment programs.
- (6) A service provider or program receiving money from or through a division.
- (7) Any other service provider, hospital, clinic, program, agency, or private practitioner if the individual receiving mental health services or developmental training was admitted without the individual's consent.
- (8) A managed care provider (as defined in ~~IC 12-7-2-127(b))~~: **IC 12-7-2-127).**

SECTION 16. IC 12-9-2-6, AS AMENDED BY P.L.99-2007, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The director may act for the division in entering into contracts for the disbursal of money and the providing of service for approved community ~~mental retardation~~ **intellectual disability** and other developmental disability centers where constructed and operated or maintained by private nonprofit organizations, a local public agency, or any other state agency that the director determines to be best suited to advance programs for individuals with developmental disabilities.

(b) Before entering into a contract under this section, the director shall submit the contract to the attorney general for approval as to form and legality.

(c) A contract under this section must do the following:

- (1) Specify the services to be provided and the client populations to whom services must be provided.
- (2) Specify that the definition of developmental disability set forth in IC 12-7-2-61 must be used to determine the eligibility of an individual for reimbursement of the center by the division for the center's services for individuals with a developmental disability. The division shall reimburse the centers at rates established by rule.
- (3) Provide for a reduction in funding for failure to comply with terms of the contract.

SECTION 17. IC 12-10-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Except as provided in subsection (b), as used in this chapter, "endangered adult"



means an individual who is:

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, ~~mental retardation,~~  
**intellectual disability**, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
- (3) harmed or threatened with harm as a result of:
  - (A) neglect;
  - (B) battery; or
  - (C) exploitation of the individual's personal services or property.

(b) For purposes of IC 12-10-3-17, IC 35-42-2-1, and IC 35-46-1-13, "endangered adult" means an individual who is:

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, ~~mental retardation,~~  
**intellectual disability**, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
- (3) harmed or threatened with harm as a result of:
  - (A) neglect; or
  - (B) battery.

(c) An individual is not an endangered adult solely:

- (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or
- (2) on the basis of being physically unable to provide self care when appropriate care is being provided.

SECTION 18. IC 12-10-6-2.1, AS AMENDED BY P.L.6-2012, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.1. (a) An individual who is incapable of residing in the individual's own home may apply for residential care assistance under this section. The determination of eligibility for residential care assistance is the responsibility of the division. Except as provided in subsection (h), an individual is eligible for residential care assistance if the division determines that the individual:

- (1) is a recipient of Medicaid or the federal Supplemental Security Income program;
- (2) is incapable of residing in the individual's own home because



1 of dementia, mental illness, or a physical disability;

2 (3) requires a degree of care less than that provided by a health  
3 care facility licensed under IC 16-28;

4 (4) can be adequately cared for in a residential care setting; and

5 (5) has not made any asset transfer prohibited under the state plan  
6 or in 42 U.S.C. 1396p(c) in order to be eligible for Medicaid.

7 (b) Individuals with ~~mental retardation~~ **an intellectual disability**  
8 may not be admitted to a home or facility that provides residential care  
9 under this section.

10 (c) A service coordinator employed by the division may:

11 (1) evaluate a person seeking admission to a home or facility  
12 under subsection (a); or

13 (2) evaluate a person who has been admitted to a home or facility  
14 under subsection (a), including a review of the existing  
15 evaluations in the person's record at the home or facility.

16 If the service coordinator determines the person evaluated under this  
17 subsection has ~~mental retardation~~, **an intellectual disability**, the  
18 service coordinator may recommend an alternative placement for the  
19 person.

20 (d) Except as provided in section 5 of this chapter, residential care  
21 consists of only room, board, and laundry, along with minimal  
22 administrative direction. The recipient may retain from the recipient's  
23 income a monthly personal allowance of fifty-two dollars (\$52). This  
24 amount is exempt from income eligibility consideration by the division  
25 and may be exclusively used by the recipient for the recipient's  
26 personal needs. However, if the recipient's income is less than the  
27 amount of the personal allowance, the division shall pay to the  
28 recipient the difference between the amount of the personal allowance  
29 and the recipient's income. A reserve or an accumulated balance from  
30 such a source, together with other sources, may not be allowed to  
31 exceed the state's resource allowance allowed for adults eligible for  
32 state supplemental assistance or Medicaid as established by the rules  
33 of the office of Medicaid policy and planning.

34 (e) In addition to the amount that may be retained as a personal  
35 allowance under this section, an individual shall be allowed to retain  
36 an amount equal to the individual's state and local income tax liability.  
37 The amount that may be retained during a month may not exceed  
38 one-third (1/3) of the individual's state and local income tax liability for  
39 the calendar quarter in which that month occurs. This amount is  
40 exempt from income eligibility consideration by the division. The  
41 amount retained shall be used by the individual to pay any state or local  
42 income taxes owed.



(f) In addition to the amounts that may be retained under subsections (d) and (e), an eligible individual may retain a Holocaust victim's settlement payment. The payment is exempt from income eligibility consideration by the division.

(g) The personal allowance for one (1) month for an individual described in subsection (a) is the amount that an individual would be entitled to retain under subsection (d) plus an amount equal to one-half (1/2) of the remainder of:

(1) gross earned income for that month; minus

(2) the sum of:

(A) sixteen dollars (\$16); plus

(B) the amount withheld from the person's paycheck for that month for payment of state income tax, federal income tax, and the tax prescribed by the federal Insurance Contribution Act (26 U.S.C. 3101 et seq.); plus

(C) transportation expenses for that month; plus

(D) any mandatory expenses required by the employer as a condition of employment.

(h) An individual who, before September 1, 1983, has been admitted to a home or facility that provides residential care under this section is eligible for residential care in the home or facility.

(i) The director of the division may contract with the division of mental health and addiction or the division of disability and rehabilitative services to purchase services for individuals with a mental illness or a developmental disability by providing money to supplement the appropriation for community based residential care programs established under IC 12-22-2 or community based residential programs established under IC 12-11-1.1-1.

(j) A person with a mental illness may not be placed in a Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., unless the facility is licensed under IC 16-28.

SECTION 19. IC 12-11-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The division may contract with:

(1) community ~~mental retardation~~ **intellectual disability** and other developmental disabilities centers;

(2) corporations; or

(3) individuals;

that are approved by the division to provide the services described in this chapter.

SECTION 20. IC 12-15-2-8 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. An individual who:  
 (1) has been found eligible for Medicaid under section 2, 3, 4, 5, or 6 (**expired**) of this chapter; and  
 (2) is a patient in an institution for ~~the mentally retarded people~~ **with an intellectual disability** or who is a patient in a medical institution, as long as the institution or that part of the institution in which the patient resides qualifies as an intermediate care facility for mental retardation under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.);  
 is eligible to receive Medicaid.

SECTION 21. IC 12-20-6-1, AS AMENDED BY P.L.73-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A township trustee may not extend aid to an individual or a household unless an application and affidavit setting forth the personal condition of the individual or household has been filed with the trustee within one hundred eighty (180) days before the date aid is extended.

(b) An individual filing an application and affidavit on behalf of a household must provide the names of all household members and any information necessary for determining the household's eligibility for township assistance. The application must be on the form prescribed by the state board of accounts.

(c) An applicant for utility assistance under IC 12-20-16-3(a) must comply with IC 12-20-16-3(d).

(d) The township trustee may not extend additional or continuing aid to an individual or a household unless the individual or household files an affidavit with the request for assistance affirming how, if at all, the personal condition of the individual or the household has changed from that set forth in the individual's or household's most recent application.

(e) The township trustee shall assist an applicant for township assistance in completing a township assistance application if the applicant:

- (1) has a mental or physical disability, including ~~mental retardation~~, **an intellectual disability**, cerebral palsy, blindness, or paralysis;
- (2) has dyslexia; or
- (3) cannot read or write the English language.

SECTION 22. IC 12-26-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. The superintendent of a facility to which an individual was committed under IC 12-26-6 or IC 12-26-7 or to which the individual's commitment was transferred



under this chapter, may transfer the commitment of the individual to:

- (1) a state institution;
- (2) a community mental health center;
- (3) a community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center;
- (4) a federal facility;
- (5) a psychiatric unit of a hospital licensed under IC 16-21;
- (6) a private psychiatric facility licensed under IC 12-25;
- (7) a community residential program for the developmentally disabled described in IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2); or
- (8) an intermediate care facility for the mentally retarded (ICF/MR) that is licensed under IC 16-28 and is not owned by the state;

if the transfer is likely to be in the best interest of the individual or other patients.

SECTION 23. IC 12-28-1-6, AS AMENDED BY P.L.99-2007, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The Indiana protection and advocacy services commission is established. The commission is composed of thirteen (13) members who represent or who are knowledgeable about the needs of individuals served by the commission, including ~~mental retardation~~, **an intellectual disability**, cerebral palsy, epilepsy, autism, and mental illness to be appointed as follows:

- (1) Four (4) members to be appointed by the governor.
- (2) Nine (9) members to be appointed by a majority vote of commission members.

(b) An official or employee of a branch of state government that delivers services to individuals with a developmental disability, with a mental illness, or seeking or receiving vocational rehabilitation services is not eligible for membership on the commission.

(c) One (1) member of the senate appointed by the president pro tempore of the senate and one (1) member of the house of representatives appointed by the speaker of the house of representatives serve in an advisory nonvoting capacity to the commission.

SECTION 24. IC 12-28-4-3, AS AMENDED BY P.L.99-2007, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. Residential facilities for individuals with a developmental disability must have sufficient qualified training and habilitation support staff so that the residential facility, regardless of organization or design, has appropriately





1 qualified and adequately trained staff (not necessarily qualified ~~mental~~  
 2 ~~retardation~~ **intellectual disability** professionals (as defined in ~~42 CFR~~  
 3 ~~442.401))~~ **42 CFR 483.430))** to conduct the activities of daily living,  
 4 self-help, and social skills that are minimally required based on each  
 5 recipient's needs and, if appropriate, for federal financial participation  
 6 under the Medicaid program.

7 SECTION 25. IC 12-29-1-1, AS AMENDED BY P.L.182-2009(ss),  
 8 SECTION 299, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The county executive of a  
 10 county may authorize the furnishing of financial assistance to a  
 11 community ~~mental retardation~~ **intellectual disability** and other  
 12 developmental disabilities center that is located or will be located in  
 13 the county.

14 (b) Assistance authorized under this section shall be used for the  
 15 following purposes:

16 (1) Constructing a center.

17 (2) Operating a center.

18 (c) Upon request of the county executive, the county fiscal body  
 19 may appropriate annually from the county's general fund the money to  
 20 provide financial assistance for the purposes described in subsection  
 21 (b). The appropriation may not exceed the amount that could be  
 22 collected from an annual tax levy of not more than three and  
 23 thirty-three hundredths cents (\$0.0333) on each one hundred dollars  
 24 (\$100) of taxable property within the county.

25 (d) For purposes of this subsection, "first calendar year" refers to the  
 26 first calendar year after 2008 in which the county imposes an ad  
 27 valorem property tax levy for the county general fund to provide  
 28 financial assistance under this chapter. If a county did not provide  
 29 financial assistance under this chapter in 2008, the county for a  
 30 following calendar year:

31 (1) may propose a financial assistance budget; and

32 (2) shall refer its proposed financial assistance budget for the first  
 33 calendar year to the department of local government finance  
 34 before the tax levy is advertised.

35 The ad valorem property tax levy to fund the budget for the first  
 36 calendar year is subject to review and approval under IC 6-1.1-18.5-10.

37 SECTION 26. IC 12-29-1-2 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) If a community  
 39 ~~mental retardation~~ **intellectual disability** and other developmental  
 40 disabilities center is organized to provide services to at least two (2)  
 41 counties, the county executive of each county may authorize the  
 42 furnishing of financial assistance for the purposes described in section



1 1(b) of this chapter.

2 (b) Upon the request of the county executive of the county, the  
3 county fiscal body of each county may appropriate annually from the  
4 county's general fund the money to provide financial assistance for the  
5 purposes described in section 1(b) of this chapter. The appropriation of  
6 each county may not exceed the amount that could be collected from  
7 an annual tax levy of three and thirty-three hundredths cents (\$0.0333)  
8 on each one hundred dollars (\$100) of taxable property within the  
9 county.

10 SECTION 27. IC 12-29-1-3 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The county  
12 executive of each county whose residents may receive services from a  
13 community ~~mental retardation~~ **intellectual disability** and other  
14 developmental disabilities center may authorize the furnishing of a  
15 share of financial assistance for the purposes described in section 1(b)  
16 of this chapter if the following conditions are met:

17 (1) The facilities for the center are located in a state adjacent to  
18 Indiana.

19 (2) The center is organized to provide services to Indiana  
20 residents.

21 (b) Upon the request of the county executive of a county, the county  
22 fiscal body of the county may appropriate annually from the county's  
23 general fund the money to provide financial assistance for the purposes  
24 described in section 1(b) of this chapter. The appropriations of the  
25 county may not exceed the amount that could be collected from an  
26 annual tax levy of three and thirty-three hundredths cents (\$0.0333) on  
27 each one hundred dollars (\$100) of taxable property within the county.

28 SECTION 28. IC 12-29-1-4 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Bonds of a  
30 county may be issued for the construction and equipment or the  
31 improvement of a building to house a community ~~mental retardation~~  
32 **intellectual disability** and other developmental disabilities center.

33 (b) If services are provided to at least two (2) counties:

34 (1) bonds of the counties involved may be issued to pay the  
35 proportionate cost of the project in the proportion determined and  
36 agreed upon by the fiscal bodies of the counties involved; or

37 (2) bonds of one (1) county may be issued and the remaining  
38 counties may annually appropriate to the county issuing the bonds  
39 amounts to be applied to the payment of the bonds and interest on  
40 the bonds in the proportion agreed upon by the county fiscal  
41 bodies of the counties involved.

42 SECTION 29. IC 12-29-1-7, AS AMENDED BY P.L.141-2006,



SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) On the first Monday in October, the county auditor shall certify to:

(1) the division of disability and rehabilitative services, for a community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center; and

(2) the president of the board of directors of each center; the amount of money that will be provided to the center under this chapter.

(b) The county payment to the center shall be paid by the county treasurer to the treasurer of each center's board of directors in the following manner:

(1) One-half (1/2) of the county payment to the center shall be made on the second Monday in July.

(2) One-half (1/2) of the county payment to the center shall be made on the second Monday in December.

(c) Payments by the county fiscal body are in place of grants from agencies supported within the county solely by county tax money.

SECTION 30. IC 12-29-3-6, AS AMENDED BY P.L.99-2007, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) As used in this section, "community mental retardation and other developmental disabilities center" means a community center that is:

(1) incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17;

(2) organized for the purpose of providing services for individuals with ~~mental retardation~~ **an intellectual disability** and other individuals with a developmental disability;

(3) approved by the division of disability and rehabilitative services; and

(4) accredited for the services provided by one (1) of the following organizations:

(A) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.

(B) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.

(C) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.

(D) The National Commission on Quality Assurance, or its successor.

(E) An independent national accreditation organization approved by the secretary.



(b) The county executive of a county may authorize the furnishing of financial assistance to a community mental retardation and other developmental disabilities center serving the county.

(c) Upon the request of the county executive, the county fiscal body may appropriate annually, from the general fund of the county, money to provide financial assistance in an amount not to exceed the amount that could be collected from the annual tax levy of sixty-seven hundredths of one cent (\$0.0067) on each one hundred dollars (\$100) of taxable property.

SECTION 31. IC 16-18-2-163, AS AMENDED BY P.L.139-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an advanced emergency medical technician, an athletic trainer, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community ~~mental retardation~~ **intellectual disability** center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:



- 1 (A) provides health care as one (1) of the corporation's,
- 2 partnership's, or professional corporation's functions;
- 3 (B) is organized or registered under state law; and
- 4 (C) is determined to be eligible for coverage as a health care
- 5 provider under IC 34-18 for the corporation's, partnership's, or
- 6 professional corporation's health care function.

7 Coverage for a health care provider qualified under this subdivision is  
 8 limited to the health care provider's health care functions and does not  
 9 extend to other causes of action.

10 (b) "Health care provider", for purposes of IC 16-35, has the  
 11 meaning set forth in subsection (a). However, for purposes of IC 16-35,  
 12 the term also includes a health facility (as defined in section 167 of this  
 13 chapter).

14 (c) "Health care provider", for purposes of IC 16-36-5 and  
 15 IC 16-36-6, means an individual licensed or authorized by this state to  
 16 provide health care or professional services as:

- 17 (1) a licensed physician;
- 18 (2) a registered nurse;
- 19 (3) a licensed practical nurse;
- 20 (4) an advanced practice nurse;
- 21 (5) a certified nurse midwife;
- 22 (6) a paramedic;
- 23 (7) an emergency medical technician;
- 24 (8) an advanced emergency medical technician; or
- 25 (9) an emergency medical responder, as defined by section 109.8
- 26 of this chapter.

27 The term includes an individual who is an employee or agent of a  
 28 health care provider acting in the course and scope of the individual's  
 29 employment.

30 (d) "Health care provider", for purposes of IC 16-40-4, means any  
 31 of the following:

- 32 (1) An individual, a partnership, a corporation, a professional
- 33 corporation, a facility, or an institution licensed or authorized by
- 34 the state to provide health care or professional services as a
- 35 licensed physician, a psychiatric hospital, a hospital, a health
- 36 facility, an emergency ambulance service (IC 16-31-3), an
- 37 ambulatory outpatient surgical center, a dentist, an optometrist, a
- 38 pharmacist, a podiatrist, a chiropractor, a psychologist, or a
- 39 person who is an officer, employee, or agent of the individual,
- 40 partnership, corporation, professional corporation, facility, or
- 41 institution acting in the course and scope of the person's
- 42 employment.



(2) A blood bank, laboratory, community mental health center, community ~~mental retardation~~ **intellectual disability** center, community health center, or migrant health center.

(3) A home health agency (as defined in IC 16-27-1-2).

(4) A health maintenance organization (as defined in IC 27-13-1-19).

(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

(7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).

(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).

SECTION 32. IC 16-18-2-167, AS AMENDED BY P.L.229-2011, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 167. (a) "Health facility":

(1) except for purposes of IC 16-28-15, means a building, a structure, an institution, or other place for the reception, accommodation, board, care, or treatment extending beyond a continuous twenty-four (24) hour period in a week of more than four (4) individuals who need or desire such services because of physical or mental illness, infirmity, or impairment; and

(2) for purposes of IC 16-28-15, has the meaning set forth in IC 16-28-15-3.

(b) The term does not include the premises used for the reception, accommodation, board, care, or treatment in a household or family, for compensation, of a person related by blood to the head of the household or family (or to the spouse of the head of the household or family) within the degree of consanguinity of first cousins.

(c) The term does not include any of the following:

(1) Hotels, motels, or mobile homes when used as such.

(2) Hospitals or mental hospitals, except for that part of a hospital that provides long term care services and functions as a health facility, in which case that part of the hospital is licensed under IC 16-21-2, but in all other respects is subject to IC 16-28.



- 1 (3) Hospices that furnish inpatient care and are licensed under
- 2 IC 16-25-3.
- 3 (4) Institutions operated by the federal government.
- 4 (5) Foster family homes or day care centers.
- 5 (6) Schools for individuals who are deaf or blind.
- 6 (7) Day schools for individuals with ~~mental retardation~~ **an**
- 7 **intellectual disability**.
- 8 (8) Day care centers.
- 9 (9) Children's homes and child placement agencies.
- 10 (10) Offices of practitioners of the healing arts.
- 11 (11) Any institution in which health care services and private duty
- 12 nursing services are provided that is listed and certified by the
- 13 Commission for Accreditation of Christian Science Nursing
- 14 Organizations/Facilities, Inc.
- 15 (12) Industrial clinics providing only emergency medical services
- 16 or first aid for employees.
- 17 (13) A residential facility (as defined in IC 12-7-2-165).
- 18 (14) Maternity homes.
- 19 (15) Offices of Christian Science practitioners.
- 20 SECTION 33. IC 16-39-4-5 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section does
- 22 not apply to the following:
- 23 (1) An institution licensed under IC 12-25.
- 24 (2) A hospital licensed under IC 16-21.
- 25 (3) A treatment facility certified under IC 12-23-1-6.
- 26 (4) A state institution listed under IC 12-24-1.
- 27 (b) This section applies only to a patient's mental health records.
- 28 (c) A patient, or the patient's legal representative if the patient is
- 29 incompetent, who consents in writing to the release of information to
- 30 an insurer that has issued a policy of accident and sickness insurance
- 31 (as defined in IC 27-8-5-1) covering the patient, authorizes the provider
- 32 to disclose the following information to the insurer:
- 33 (1) The patient's name and the policy or contract number.
- 34 (2) The date the patient was admitted to a treatment facility or the
- 35 date the patient began receiving mental health, ~~mental retardation~~,
- 36 **intellectual disability**, or substance abuse (as defined in
- 37 IC 27-8-5-15.5) services.
- 38 (3) The date of the beginning of the patient's illness.
- 39 (4) The date the patient was discharged from the treatment facility
- 40 or the date the services were terminated, if known.
- 41 (5) The diagnosis for the patient with concise information
- 42 substantiating the diagnosis.



(6) A brief description of the services provided to the patient, including the type of therapy used, medications ordered and administered, the total number of hours spent in individual, group, or family treatment, recreational therapy, or rehabilitation activities.

(7) The patient's status as either an inpatient or outpatient.

(8) The patient's relationship to the policyholder or contract subscriber.

(9) The patient's prognosis and plan of treatment.

An insurer's request for the release of additional mental health information relating to subdivisions (1) through (9) does not require a further release in order for the provider to submit the additional information to the insurer. The provider may release to the insurer mental health information in addition to that reasonably related to subdivisions (1) through (9) if an additional written consent is obtained from the patient or the patient's representative authorizing the release of all information necessary for the insurer to adjudicate a claim made by the patient or the patient's representative. If such a release is obtained, no further releases are required in order for the provider to submit additional information in response to subsequent requests for information by the insurer to complete its review of the claim.

(d) Nothing in this section removes the obligation of a patient to pay for services if the patient's failure to authorize the release of information under this section results in the limitation or denial of insurance benefits.

SECTION 34. IC 16-41-17-2, AS AMENDED BY P.L.229-2011, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Subject to subsection (d), every infant shall be given examinations at the earliest feasible time for the detection of the following disorders:

(1) Phenylketonuria.

(2) Hypothyroidism.

(3) Hemoglobinopathies, including sickle cell anemia.

(4) Galactosemia.

(5) Maple Syrup urine disease.

(6) Homocystinuria.

(7) Inborn errors of metabolism that result in ~~mental retardation~~ **an intellectual disability** and that are designated by the state department.

(8) Congenital adrenal hyperplasia.

(9) Biotinidase deficiency.

(10) Disorders detected by tandem mass spectrometry or other





technologies with the same or greater detection capabilities as tandem mass spectrometry, if the state department determines that the technology is available for use by a designated laboratory under section 7 of this chapter.

(b) Subject to subsection (d), every infant shall be given a physiologic hearing screening examination at the earliest feasible time for the detection of hearing impairments.

(c) Beginning January 1, 2012, and subject to subsection (d), every infant shall be given a pulse oximetry screening examination at the earliest feasible time for the detection of low oxygen levels. Section 10(a)(2) of this chapter does not apply to this subsection.

(d) If a parent of an infant objects in writing, for reasons pertaining to religious beliefs only, the infant is exempt from the examinations required by this chapter.

SECTION 35. IC 16-41-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The state department shall conduct an intensive educational program among physicians, hospitals, public health nurses, and the public concerning the disorders listed in section 2 of this chapter. The educational program must include information about:

(1) the nature of the disorders; and

(2) examinations for the detection of the disorders in infancy; so that measures may be taken to prevent the ~~mental retardation~~; **intellectual disabilities**, medical complications, or mortality resulting from the disorders.

SECTION 36. IC 22-4-2-37, AS AMENDED BY P.L.99-2007, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 37. For the purposes of IC 22-4-8-2(j)(3)(C), "school" means an educational institution that is accredited and approved by the Indiana state board of education and is an academic school system, whereby a student may progressively advance, starting with the first grade through the twelfth grade. This includes all accredited public and parochial schools which are primary, secondary, or preparatory schools. "School" does not include:

(1) a kindergarten, not a part of the public or parochial school system;

(2) a day care center;

(3) an organization furnishing psychiatric care and treatment;

(4) an organization furnishing training or rehabilitation for individuals with ~~mental retardation~~ **an intellectual disability** or a physical disability, which organization is not a part of the public or parochial school system; or



(5) an organization offering preschool training, not a part of the public or parochial school system.

SECTION 37. IC 27-8-5-2, AS AMENDED BY P.L.160-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) No individual policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless it complies with each of the following:

(1) The entire money and other considerations for the policy are expressed in the policy.

(2) The time at which the insurance takes effect and terminates is expressed in the policy.

(3) The policy purports to insure only one (1) person, except that a policy must insure, originally or by subsequent amendment, upon the application of any member of a family who shall be deemed the policyholder and who is at least eighteen (18) years of age, any two (2) or more eligible members of that family, including husband, wife, dependent children, or any children who are less than twenty-six (26) years of age, and any other person dependent upon the policyholder.

(4) The style, arrangement, and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in lightface type of a style in general use, the size of which shall be uniform and not less than ten point with a lower-case unspaced alphabet length not less than one hundred and twenty point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions).

(5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in section 3 of this chapter, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS", or "EXCEPTIONS AND REDUCTIONS", provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies.

(6) Each such form of the policy, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page of the policy.

(7) The policy contains no provision purporting to make any



portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the commissioner.

(8) If an individual accident and sickness insurance policy or hospital service plan contract or medical service plan contract provides that hospital or medical expense coverage of a dependent child terminates upon attainment of the limiting age for dependent children specified in such policy or contract, the policy or contract must also provide that attainment of such limiting age does not operate to terminate the hospital and medical coverage of such child while the child is and continues to be both:

(A) incapable of self-sustaining employment by reason of ~~mental retardation~~ or mental, **intellectual**, or physical disability; and

(B) chiefly dependent upon the policyholder for support and maintenance.

Proof of such incapacity and dependency must be furnished to the insurer by the policyholder within thirty-one (31) days of the child's attainment of the limiting age. The insurer may require at reasonable intervals during the two (2) years following the child's attainment of the limiting age subsequent proof of the child's disability and dependency. After such two (2) year period, the insurer may require subsequent proof not more than once each year. The foregoing provision shall not require an insurer to insure a dependent who is a child who has ~~mental retardation~~ or a mental, **intellectual**, or physical disability where such dependent does not satisfy the conditions of the policy provisions as may be stated in the policy or contract required for coverage thereunder to take effect. In any such case the terms of the policy or contract shall apply with regard to the coverage or exclusion from coverage of such dependent. This subsection applies only to policies or contracts delivered or issued for delivery in this state more than one hundred twenty (120) days after August 18, 1969.

(b) If any policy is issued by an insurer domiciled in this state for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection (a) and in section 3 of this chapter.



(c) An insurer may issue a policy described in this section in electronic or paper form. However, the insurer shall:

(1) inform the insured that the insured may request the policy in paper form; and

(2) issue the policy in paper form upon the request of the insured.

SECTION 38. IC 27-8-5-19, AS AMENDED BY P.L.173-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. (a) As used in this chapter, "late enrollee" has the meaning set forth in 26 U.S.C. 9801(b)(3).

(b) A policy of group accident and sickness insurance may not be issued to a group that has a legal situs in Indiana unless it contains in substance:

(1) the provisions described in subsection (c); or

(2) provisions that, in the opinion of the commissioner, are:

(A) more favorable to the persons insured; or

(B) at least as favorable to the persons insured and more favorable to the policyholder;

than the provisions set forth in subsection (c).

(c) The provisions referred to in subsection (b)(1) are as follows:

(1) A provision that the policyholder is entitled to a grace period of thirty-one (31) days for the payment of any premium due except the first, during which grace period the policy will continue in force, unless the policyholder has given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder is liable to the insurer for the payment of a pro rata premium for the time the policy was in force during the grace period. A provision under this subdivision may provide that the insurer is not obligated to pay claims incurred during the grace period until the premium due is received.

(2) A provision that the validity of the policy may not be contested, except for nonpayment of premiums, after the policy has been in force for two (2) years after its date of issue, and that no statement made by a person covered under the policy relating to the person's insurability may be used in contesting the validity of the insurance with respect to which the statement was made, unless:

(A) the insurance has not been in force for a period of two (2) years or longer during the person's lifetime; or

(B) the statement is contained in a written instrument signed by the insured person.



1 However, a provision under this subdivision may not preclude the  
 2 assertion at any time of defenses based upon a person's  
 3 ineligibility for coverage under the policy or based upon other  
 4 provisions in the policy.

5 (3) A provision that a copy of the application, if there is one, of  
 6 the policyholder must be attached to the policy when issued, that  
 7 all statements made by the policyholder or by the persons insured  
 8 are to be deemed representations and not warranties, and that no  
 9 statement made by any person insured may be used in any contest  
 10 unless a copy of the instrument containing the statement is or has  
 11 been furnished to the insured person or, in the event of death or  
 12 incapacity of the insured person, to the insured person's  
 13 beneficiary or personal representative.

14 (4) A provision setting forth the conditions, if any, under which  
 15 the insurer reserves the right to require a person eligible for  
 16 insurance to furnish evidence of individual insurability  
 17 satisfactory to the insurer as a condition to part or all of the  
 18 person's coverage.

19 (5) A provision specifying any additional exclusions or limitations  
 20 applicable under the policy with respect to a disease or physical  
 21 condition of a person that existed before the effective date of the  
 22 person's coverage under the policy and that is not otherwise  
 23 excluded from the person's coverage by name or specific  
 24 description effective on the date of the person's loss. An exclusion  
 25 or limitation that must be specified in a provision under this  
 26 subdivision:

27 (A) may apply only to a disease or physical condition for  
 28 which medical advice, diagnosis, care, or treatment was  
 29 received by the person or recommended to the person during  
 30 the six (6) months before the effective date of the person's  
 31 coverage; and

32 (B) may not apply to a loss incurred or disability beginning  
 33 after the earlier of:

34 (i) the end of a continuous period of twelve (12) months  
 35 beginning on or after the effective date of the person's  
 36 coverage; or

37 (ii) the end of a continuous period of eighteen (18) months  
 38 beginning on the effective date of the person's coverage if  
 39 the person is a late enrollee.

40 This subdivision applies only to group policies of accident and  
 41 sickness insurance other than those described in section 2.5(a)(1)  
 42 through 2.5(a)(8) and 2.5(b)(2) of this chapter.



(6) A provision specifying any additional exclusions or limitations applicable under the policy with respect to a disease or physical condition of a person that existed before the effective date of the person's coverage under the policy. An exclusion or limitation that must be specified in a provision under this subdivision:

(A) may apply only to a disease or physical condition for which medical advice or treatment was received by the person during a period of three hundred sixty-five (365) days before the effective date of the person's coverage; and

(B) may not apply to a loss incurred or disability beginning after the earlier of the following:

(i) The end of a continuous period of three hundred sixty-five (365) days, beginning on or after the effective date of the person's coverage, during which the person did not receive medical advice or treatment in connection with the disease or physical condition.

(ii) The end of the two (2) year period beginning on the effective date of the person's coverage.

This subdivision applies only to group policies of accident and sickness insurance described in section 2.5(a)(1) through 2.5(a)(8) of this chapter.

(7) If premiums or benefits under the policy vary according to a person's age, a provision specifying an equitable adjustment of:

(A) premiums;

(B) benefits; or

(C) both premiums and benefits;

to be made if the age of a covered person has been misstated. A provision under this subdivision must contain a clear statement of the method of adjustment to be used.

(8) A provision that the insurer will issue to the policyholder, for delivery to each person insured, a certificate, in electronic or paper form, setting forth a statement that:

(A) explains the insurance protection to which the person insured is entitled;

(B) indicates to whom the insurance benefits are payable; and

(C) explains any family member's or dependent's coverage under the policy.

The provision must specify that the certificate will be provided in paper form upon the request of the insured.

(9) A provision stating that written notice of a claim must be given to the insurer within twenty (20) days after the occurrence or commencement of any loss covered by the policy, but that a



1 failure to give notice within the twenty (20) day period does not  
 2 invalidate or reduce any claim if it can be shown that it was not  
 3 reasonably possible to give notice within that period and that  
 4 notice was given as soon as was reasonably possible.

5 (10) A provision stating that:

6 (A) the insurer will furnish to the person making a claim, or to  
 7 the policyholder for delivery to the person making a claim,  
 8 forms usually furnished by the insurer for filing proof of loss;  
 9 and

10 (B) if the forms are not furnished within fifteen (15) days after  
 11 the insurer received notice of a claim, the person making the  
 12 claim will be deemed to have complied with the requirements  
 13 of the policy as to proof of loss upon submitting, within the  
 14 time fixed in the policy for filing proof of loss, written proof  
 15 covering the occurrence, character, and extent of the loss for  
 16 which the claim is made.

17 (11) A provision stating that:

18 (A) in the case of a claim for loss of time for disability, written  
 19 proof of the loss must be furnished to the insurer within ninety  
 20 (90) days after the commencement of the period for which the  
 21 insurer is liable, and that subsequent written proofs of the  
 22 continuance of the disability must be furnished to the insurer  
 23 at reasonable intervals as may be required by the insurer;

24 (B) in the case of a claim for any other loss, written proof of  
 25 the loss must be furnished to the insurer within ninety (90)  
 26 days after the date of the loss; and

27 (C) the failure to furnish proof within the time required under  
 28 clause (A) or (B) does not invalidate or reduce any claim if it  
 29 was not reasonably possible to furnish proof within that time,  
 30 and if proof is furnished as soon as reasonably possible but  
 31 (except in case of the absence of legal capacity of the  
 32 claimant) no later than one (1) year from the time proof is  
 33 otherwise required under the policy.

34 (12) A provision that:

35 (A) all benefits payable under the policy (other than benefits  
 36 for loss of time) will be paid:

37 (i) not more than forty-five (45) days after the insurer's (as  
 38 defined in IC 27-8-5.7-3) receipt of written proof of loss if  
 39 the claim is filed by the policyholder; or

40 (ii) in accordance with IC 27-8-5.7 if the claim is filed by  
 41 the provider (as defined in IC 27-8-5.7-4); and

42 (B) subject to due proof of loss, all accrued benefits under the



1 policy for loss of time will be paid not less frequently than  
2 monthly during the continuance of the period for which the  
3 insurer is liable, and any balance remaining unpaid at the  
4 termination of the period for which the insurer is liable will be  
5 paid as soon as possible after receipt of the proof of loss.

6 (13) A provision that benefits for loss of life of the person insured  
7 are payable to the beneficiary designated by the person insured.  
8 However, if the policy contains conditions pertaining to family  
9 status, the beneficiary may be the family member specified by the  
10 policy terms. In either case, payment of benefits for loss of life is  
11 subject to the provisions of the policy if no designated or  
12 specified beneficiary is living at the death of the person insured.  
13 All other benefits of the policy are payable to the person insured.  
14 The policy may also provide that if any benefit is payable to the  
15 estate of a person or to a person who is a minor or otherwise not  
16 competent to give a valid release, the insurer may pay the benefit,  
17 up to an amount of five thousand dollars (\$5,000), to any relative  
18 by blood or connection by marriage of the person who is deemed  
19 by the insurer to be equitably entitled to the benefit.

20 (14) A provision that the insurer, at the insurer's expense, has the  
21 right and must be allowed the opportunity to:

22 (A) examine the person of the individual for whom a claim is  
23 made under the policy when and as often as the insurer  
24 reasonably requires during the pendency of the claim; and

25 (B) conduct an autopsy in case of death if it is not prohibited  
26 by law.

27 (15) A provision that no action at law or in equity may be brought  
28 to recover on the policy less than sixty (60) days after proof of  
29 loss is filed in accordance with the requirements of the policy and  
30 that no action may be brought at all more than three (3) years after  
31 the expiration of the time within which proof of loss is required  
32 by the policy.

33 (16) In the case of a policy insuring debtors, a provision that the  
34 insurer will furnish to the policyholder, for delivery to each debtor  
35 insured under the policy, a certificate of insurance describing the  
36 coverage and specifying that the benefits payable will first be  
37 applied to reduce or extinguish the indebtedness.

38 (17) If the policy provides that hospital or medical expense  
39 coverage of a dependent child of a group member terminates upon  
40 the child's attainment of the limiting age for dependent children  
41 set forth in the policy, a provision that the child's attainment of the  
42 limiting age does not terminate the hospital and medical coverage





1 of the child while the child is:

2 (A) incapable of self-sustaining employment because of  
3 ~~mental retardation or a~~ mental, **intellectual**, or physical  
4 disability; and

5 (B) chiefly dependent upon the group member for support and  
6 maintenance.

7 A provision under this subdivision may require that proof of the  
8 child's incapacity and dependency be furnished to the insurer by  
9 the group member within one hundred twenty (120) days of the  
10 child's attainment of the limiting age and, subsequently, at  
11 reasonable intervals during the two (2) years following the child's  
12 attainment of the limiting age. The policy may not require proof  
13 more than once per year in the time more than two (2) years after  
14 the child's attainment of the limiting age. This subdivision does  
15 not require an insurer to provide coverage to a child who has  
16 ~~mental retardation or a~~ mental, **intellectual**, or physical disability  
17 who does not satisfy the requirements of the group policy as to  
18 evidence of insurability or other requirements for coverage under  
19 the policy to take effect. In any case, the terms of the policy apply  
20 with regard to the coverage or exclusion from coverage of the  
21 child.

22 (18) A provision that complies with the group portability and  
23 guaranteed renewability provisions of the federal Health  
24 Insurance Portability and Accountability Act of 1996  
25 (P.L.104-191).

26 (d) Subsection (c)(5), (c)(8), and (c)(13) do not apply to policies  
27 insuring the lives of debtors. The standard provisions required under  
28 section 3(a) of this chapter for individual accident and sickness  
29 insurance policies do not apply to group accident and sickness  
30 insurance policies.

31 (e) If any policy provision required under subsection (c) is in whole  
32 or in part inapplicable to or inconsistent with the coverage provided by  
33 an insurer under a particular form of policy, the insurer, with the  
34 approval of the commissioner, shall delete the provision from the  
35 policy or modify the provision in such a manner as to make it  
36 consistent with the coverage provided by the policy.

37 (f) An insurer that issues a policy described in this section shall  
38 include in the insurer's enrollment materials information concerning the  
39 manner in which an individual insured under the policy may:

- 40 (1) obtain a certificate described in subsection (c)(8); and
- 41 (2) request the certificate in paper form.

42 SECTION 39. IC 27-8-10-5.1, AS AMENDED BY P.L.229-2011,



SECTION 253, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2015]: Sec. 5.1. (a) A person is not eligible for  
 an association policy if the person is eligible for any of the coverage  
 described in subdivisions (1) and (2). A person other than a federally  
 eligible individual may not apply for an association policy unless the  
 person has applied for:

(1) Medicaid; and

(2) coverage under the:

(A) preexisting condition insurance plan program established  
 by the Secretary of Health and Human Services under Section  
 1101 of Title I of the federal Patient Protection and Affordable  
 Care Act (P.L. 111-148); and

(B) Indiana check-up plan under IC 12-15-44.2;

not more than sixty (60) days before applying for the association  
 policy.

(b) Except as provided in subsection (c), a person is not eligible for  
 an association policy if, at the effective date of coverage, the person has  
 or is eligible for coverage under any insurance plan that equals or  
 exceeds the minimum requirements for accident and sickness insurance  
 policies issued in Indiana as set forth in IC 27. However, an offer of  
 coverage described in IC 27-8-5-2.5(e) (expired July 1, 2007, and  
 removed), IC 27-8-5-2.7, IC 27-8-5-19.2(e) (expired July 1, 2007, and  
 repealed), or IC 27-8-5-19.3 does not affect an individual's eligibility  
 for an association policy under this subsection. Coverage under any  
 association policy is in excess of, and may not duplicate, coverage  
 under any other form of health insurance.

(c) Except as provided in IC 27-13-16-4 and subsection (a), a person  
 is eligible for an association policy upon a showing that:

(1) the person has been rejected by one (1) carrier for coverage  
 under any insurance plan that equals or exceeds the minimum  
 requirements for accident and sickness insurance policies issued  
 in Indiana, as set forth in IC 27, without material underwriting  
 restrictions;

(2) an insurer has refused to issue insurance except at a rate  
 exceeding the association plan rate; or

(3) the person is a federally eligible individual.

For the purposes of this subsection, eligibility for Medicare coverage  
 does not disqualify a person who is less than sixty-five (65) years of  
 age from eligibility for an association policy.

(d) Coverage under an association policy terminates as follows:

(1) On the first date on which an insured is no longer a resident of  
 Indiana.



(2) On the date on which an insured requests cancellation of the association policy.

(3) On the date of the death of an insured.

(4) At the end of the policy period for which the premium has been paid.

(5) On the first date on which the insured no longer meets the eligibility requirements under this section.

(e) An association policy must provide that coverage of a dependent unmarried child terminates when the child becomes nineteen (19) years of age (or twenty-five (25) years of age if the child is enrolled full time in an accredited educational institution). The policy must also provide in substance that attainment of the limiting age does not operate to terminate a dependent unmarried child's coverage while the dependent is and continues to be both:

(1) incapable of self-sustaining employment by reason of ~~mental retardation~~ or a mental, **intellectual**, or physical disability; and

(2) chiefly dependent upon the person in whose name the contract is issued for support and maintenance.

However, proof of such incapacity and dependency must be furnished to the carrier within one hundred twenty (120) days of the child's attainment of the limiting age, and subsequently as may be required by the carrier, but not more frequently than annually after the two (2) year period following the child's attainment of the limiting age.

(f) An association policy that provides coverage for a family member of the person in whose name the contract is issued must, as to the family member's coverage, also provide that the health insurance benefits applicable for children are payable with respect to a newly born child of the person in whose name the contract is issued from the moment of birth. The coverage for newly born children must consist of coverage of injury or illness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium is required to provide coverage for the child, the contract may require that notification of the birth of a child and payment of the required premium must be furnished to the carrier within thirty-one (31) days after the date of birth in order to have the coverage continued beyond the thirty-one (31) day period.

(g) Except as provided in subsection (h), an association policy may contain provisions under which coverage is excluded during a period of three (3) months following the effective date of coverage as to a given covered individual for preexisting conditions, as long as medical advice or treatment was recommended or received within a period of three (3) months before the effective date of coverage. This subsection



1 may not be construed to prohibit preexisting condition provisions in an  
2 insurance policy that are more favorable to the insured.

3 (h) If a person applies for an association policy within six (6)  
4 months after termination of the person's coverage under a health  
5 insurance arrangement and the person meets the eligibility  
6 requirements of subsection (c), then an association policy may not  
7 contain provisions under which:

8 (1) coverage as to a given individual is delayed to a date after the  
9 effective date or excluded from the policy; or

10 (2) coverage as to a given condition is denied;  
11 on the basis of a preexisting health condition. This subsection may not  
12 be construed to prohibit preexisting condition provisions in an  
13 insurance policy that are more favorable to the insured.

14 (i) For purposes of this section, coverage under a health insurance  
15 arrangement includes, but is not limited to, coverage pursuant to the  
16 Consolidated Omnibus Budget Reconciliation Act of 1985.

17 SECTION 40. IC 31-34-18-1.1, AS AMENDED BY P.L.145-2006,  
18 SECTION 307, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2015]: Sec. 1.1. (a) The person preparing the  
20 report under section 1 of this chapter:

21 (1) may; or

22 (2) if directed by the court, shall;  
23 confer with individuals who have expertise in professional areas related  
24 to the child's needs in the areas of appropriate care, treatment,  
25 rehabilitation, or placement for a child in need of services.

26 (b) A conference held under this section may include  
27 representatives of the following:

28 (1) The child's school.

29 (2) The probation department.

30 (3) The department.

31 (4) A community mental health center located in the child's  
32 county of residence.

33 (5) A community ~~mental retardation~~ **intellectual disability** and  
34 other developmental disabilities center located in the child's  
35 county of residence.

36 (6) Other persons as the court may direct.

37 SECTION 41. IC 31-37-17-1.1, AS AMENDED BY P.L.145-2006,  
38 SECTION 340, IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2015]: Sec. 1.1. (a) The person preparing the  
40 report under section 1 of this chapter:

41 (1) may; or

42 (2) if directed by the court, shall;



1 confer with individuals who have expertise in professional areas related  
 2 to the child's needs in the areas of appropriate care, treatment,  
 3 rehabilitation, or placement for a delinquent child.

4 (b) A conference held under this chapter may include  
 5 representatives of the following:

6 (1) The child's school.

7 (2) The probation department.

8 (3) The department.

9 (4) A community mental health center located in the child's  
 10 county of residence.

11 (5) A community ~~mental retardation~~ **intellectual disability** and  
 12 other developmental disabilities center located in the child's  
 13 county of residence.

14 (6) Other persons as the court may direct.

15 SECTION 42. IC 34-6-2-27 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. "Community  
 17 ~~mental retardation~~ **intellectual disability** center", for purposes of  
 18 IC 34-18, has the meaning set forth in IC 34-18-2-11.

19 SECTION 43. IC 34-18-2-11 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. "Community  
 21 ~~mental retardation~~ **intellectual disability** center" means a public or  
 22 private community ~~mental retardation~~ **intellectual disability** and other  
 23 developmental disabilities center established under IC 12-29.

24 SECTION 44. IC 34-18-2-14, AS AMENDED BY P.L.232-2013,  
 25 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2015]: Sec. 14. "Health care provider" means any of the  
 27 following:

28 (1) An individual, a partnership, a limited liability company, a  
 29 corporation, a professional corporation, a facility, or an institution  
 30 licensed or legally authorized by this state to provide health care  
 31 or professional services as a physician, psychiatric hospital,  
 32 hospital, health facility, emergency ambulance service  
 33 (IC 16-18-2-107), dentist, registered or licensed practical nurse,  
 34 physician assistant, certified nurse midwife, optometrist,  
 35 podiatrist, chiropractor, physical therapist, respiratory care  
 36 practitioner, occupational therapist, psychologist, paramedic,  
 37 advanced emergency medical technician, or emergency medical  
 38 technician, or a person who is an officer, employee, or agent of  
 39 the individual, partnership, corporation, professional corporation,  
 40 facility, or institution acting in the course and scope of the  
 41 person's employment.

42 (2) A college, university, or junior college that provides health



care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community ~~mental retardation~~ **intellectual disability** center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action.

SECTION 45. IC 35-31.5-2-169, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 169. (a) "Individual with ~~mental retardation~~, **an intellectual disability**", for purposes of IC 35-36-2-5(e), has the meaning set forth in IC 35-36-2-5(e).

(b) "Individual with ~~mental retardation~~, **an intellectual disability**", for purposes of IC 35-36-9 and IC 35-50-2, has the meaning set forth in IC 35-36-9-2.

SECTION 46. IC 35-36-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this article:

"Insanity" refers to the defense set out in IC 35-41-3-6.

"Mentally ill" means having a psychiatric disorder which substantially disturbs a person's thinking, feeling, or behavior and impairs the person's ability to function. ~~"mentally ill"~~ **also The term includes having any mental retardation: an intellectual disability.**

"Omnibus date" refers to the omnibus date established under IC 35-36-8-1.

SECTION 47. IC 35-36-2-5, AS AMENDED BY P.L.114-2012, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 5. (a) Except as provided by subsection (e), whenever a defendant is found guilty but mentally ill at the time of the crime or enters a plea to that effect that is accepted by the court, the court shall sentence the defendant in the same manner as a defendant found guilty of the offense.

(b) Before sentencing the defendant under subsection (a), the court shall require the defendant to be evaluated by a physician licensed under IC 25-22.5 who practices psychiatric medicine, a licensed psychologist, or a community mental health center (as defined in IC 12-7-2-38). However, the court may waive this requirement if the defendant was evaluated by a physician licensed under IC 25-22.5 who practices psychiatric medicine, a licensed psychologist, or a community mental health center and the evaluation is contained in the record of the defendant's trial or plea agreement hearing.

(c) If a defendant who is found guilty but mentally ill at the time of the crime is committed to the department of correction, the defendant shall be further evaluated and then treated in such a manner as is psychiatrically indicated for the defendant's mental illness. Treatment may be provided by:

- (1) the department of correction; or
- (2) the division of mental health and addiction after transfer under IC 11-10-4.

(d) If a defendant who is found guilty but mentally ill at the time of the crime is placed on probation, the court may, in accordance with IC 35-38-2-2.3, require that the defendant undergo treatment.

(e) As used in this subsection, "individual with ~~mental retardation~~" **an intellectual disability**" means an individual who, before becoming twenty-two (22) years of age, manifests:

- (1) significantly subaverage intellectual functioning; and
- (2) substantial impairment of adaptive behavior;

that is documented in a court ordered evaluative report. If a court determines under IC 35-36-9 that a defendant who is charged with a murder for which the state seeks a death sentence is an individual with ~~mental retardation~~, **an intellectual disability**, the court shall sentence the defendant under IC 35-50-2-3(a).

(f) If a defendant is found guilty but mentally ill, the court shall transmit any information required by the division of state court administration to the division of state court administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 48. IC 35-36-9-2, AS AMENDED BY P.L.99-2007, SECTION 201, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this chapter, "individual with ~~mental retardation~~ **an intellectual disability**" means an individual who, before becoming twenty-two (22) years of age, manifests:

- (1) significantly subaverage intellectual functioning; and
  - (2) substantial impairment of adaptive behavior;
- that is documented in a court ordered evaluative report.

SECTION 49. IC 35-36-9-3, AS AMENDED BY P.L.99-2007, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The defendant may file a petition alleging that the defendant is an individual with ~~mental retardation~~ **an intellectual disability**.

(b) The petition must be filed not later than twenty (20) days before the omnibus date.

(c) Whenever the defendant files a petition under this section, the court shall order an evaluation of the defendant for the purpose of providing evidence of the following:

- (1) Whether the defendant has a significantly subaverage level of intellectual functioning.
- (2) Whether the defendant's adaptive behavior is substantially impaired.
- (3) Whether the conditions described in subdivisions (1) and (2) existed before the defendant became twenty-two (22) years of age.

SECTION 50. IC 35-36-9-4, AS AMENDED BY P.L.99-2007, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The court shall conduct a hearing on the petition under this chapter.

(b) At the hearing, the defendant must prove by clear and convincing evidence that the defendant is an individual with ~~mental retardation~~ **an intellectual disability**.

SECTION 51. IC 35-36-9-5, AS AMENDED BY P.L.99-2007, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. Not later than ten (10) days before the initial trial date, the court shall determine whether the defendant is an individual with ~~mental retardation~~ **an intellectual disability** based on the evidence set forth at the hearing under section 4 of this chapter. The court shall articulate findings supporting the court's determination under this section.

SECTION 52. IC 35-36-9-6, AS AMENDED BY P.L.99-2007, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. If the court determines that the defendant is an individual with ~~mental retardation~~ **an intellectual**





1 **disability** under section 5 of this chapter, the part of the state's  
 2 charging instrument filed under IC 35-50-2-9(a) that seeks a death  
 3 sentence against the defendant shall be dismissed.

4 SECTION 53. IC 35-36-9-7, AS AMENDED BY P.L.99-2007,  
 5 SECTION 206, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2015]: Sec. 7. If a defendant who is determined  
 7 to be an individual with ~~mental retardation~~ **an intellectual disability**  
 8 under this chapter is convicted of murder, the court shall sentence the  
 9 defendant under IC 35-50-2-3(a).

10 SECTION 54. IC 35-37-4-6, AS AMENDED BY P.L.28-2011,  
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2015]: Sec. 6. (a) This section applies to a criminal action  
 13 involving the following offenses where the victim is a protected person  
 14 under subsection (c)(1) or (c)(2):

- 15 (1) Sex crimes (IC 35-42-4).
- 16 (2) Battery upon a child **less than fourteen (14) years of age**  
 17 ~~(IC 35-42-2-1(a)(2)(B))~~. **(IC 35-42-2-1)**.
- 18 (3) Kidnapping and confinement (IC 35-42-3).
- 19 (4) Incest (IC 35-46-1-3).
- 20 (5) Neglect of a dependent (IC 35-46-1-4).
- 21 (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- 22 (7) An attempt under IC 35-41-5-1 for an offense listed in  
 23 subdivisions (1) through (6).

24 (b) This section applies to a criminal action involving the following  
 25 offenses where the victim is a protected person under subsection (c)(3):

- 26 (1) Exploitation of a dependent or endangered adult  
 27 (IC 35-46-1-12).
- 28 (2) A sex crime (IC 35-42-4).
- 29 (3) Battery (IC 35-42-2-1).
- 30 (4) Kidnapping, confinement, or interference with custody  
 31 (IC 35-42-3).
- 32 (5) Home improvement fraud (IC 35-43-6).
- 33 (6) Fraud (IC 35-43-5).
- 34 (7) Identity deception (IC 35-43-5-3.5).
- 35 (8) Synthetic identity deception (IC 35-43-5-3.8).
- 36 (9) Theft (IC 35-43-4-2).
- 37 (10) Conversion (IC 35-43-4-3).
- 38 (11) Neglect of a dependent (IC 35-46-1-4).
- 39 (12) Human and sexual trafficking crimes (IC 35-42-3.5).

40 (c) As used in this section, "protected person" means:

- 41 (1) a child who is less than fourteen (14) years of age;
- 42 (2) an individual with a mental disability who has a disability



attributable to an impairment of general intellectual functioning or adaptive behavior that:

(A) is manifested before the individual is eighteen (18) years of age;

(B) is likely to continue indefinitely;

(C) constitutes a substantial impairment of the individual's ability to function normally in society; and

(D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or

(3) an individual who is:

(A) at least eighteen (18) years of age; and

(B) incapable by reason of mental illness, ~~mental retardation~~, **intellectual disability**, dementia, or other physical or mental incapacity of:

(i) managing or directing the management of the individual's property; or

(ii) providing or directing the provision of self-care.

(d) A statement or videotape that:

(1) is made by a person who at the time of trial is a protected person;

(2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and

(3) is not otherwise admissible in evidence;

is admissible in evidence in a criminal action for an offense listed in subsection (a) or (b) if the requirements of subsection (e) are met.

(e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or (b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:

(1) The court finds, in a hearing:

(A) conducted outside the presence of the jury; and

(B) attended by the protected person in person or by using closed circuit television testimony as described in section 8(f) and 8(g) of this chapter;

that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.

(2) The protected person:

(A) testifies at the trial; or

(B) is found by the court to be unavailable as a witness for one



- 1 (1) of the following reasons:
- 2 (i) From the testimony of a psychiatrist, physician, or
- 3 psychologist, and other evidence, if any, the court finds that
- 4 the protected person's testifying in the physical presence of
- 5 the defendant will cause the protected person to suffer
- 6 serious emotional distress such that the protected person
- 7 cannot reasonably communicate.
- 8 (ii) The protected person cannot participate in the trial for
- 9 medical reasons.
- 10 (iii) The court has determined that the protected person is
- 11 incapable of understanding the nature and obligation of an
- 12 oath.
- 13 (f) If a protected person is unavailable to testify at the trial for a
- 14 reason listed in subsection (e)(2)(B), a statement or videotape may be
- 15 admitted in evidence under this section only if the protected person was
- 16 available for cross-examination:
- 17 (1) at the hearing described in subsection (e)(1); or
- 18 (2) when the statement or videotape was made.
- 19 (g) A statement or videotape may not be admitted in evidence under
- 20 this section unless the prosecuting attorney informs the defendant and
- 21 the defendant's attorney at least ten (10) days before the trial of:
- 22 (1) the prosecuting attorney's intention to introduce the statement
- 23 or videotape in evidence; and
- 24 (2) the content of the statement or videotape.
- 25 (h) If a statement or videotape is admitted in evidence under this
- 26 section, the court shall instruct the jury that it is for the jury to
- 27 determine the weight and credit to be given the statement or videotape
- 28 and that, in making that determination, the jury shall consider the
- 29 following:
- 30 (1) The mental and physical age of the person making the
- 31 statement or videotape.
- 32 (2) The nature of the statement or videotape.
- 33 (3) The circumstances under which the statement or videotape
- 34 was made.
- 35 (4) Other relevant factors.
- 36 (i) If a statement or videotape described in subsection (d) is
- 37 admitted into evidence under this section, a defendant may introduce
- 38 a:
- 39 (1) transcript; or
- 40 (2) videotape;
- 41 of the hearing held under subsection (e)(1) into evidence at trial.
- 42 SECTION 55. IC 35-50-2-1.5, AS AMENDED BY P.L.99-2007,



SECTION 211, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2015]: Sec. 1.5. As used in this chapter,  
"individual with ~~mental retardation~~ **an intellectual disability**" has the  
meaning set forth in IC 35-36-9-2.

SECTION 56. IC 35-50-2-3, AS AMENDED BY P.L.99-2007,  
SECTION 212, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A person who commits  
murder shall be imprisoned for a fixed term of between forty-five (45)  
and sixty-five (65) years, with the advisory sentence being fifty-five  
(55) years. In addition, the person may be fined not more than ten  
thousand dollars (\$10,000).

(b) Notwithstanding subsection (a), a person who was:

(1) at least eighteen (18) years of age at the time the murder was  
committed may be sentenced to:

(A) death; or

(B) life imprisonment without parole; and

(2) at least sixteen (16) years of age but less than eighteen (18)  
years of age at the time the murder was committed may be  
sentenced to life imprisonment without parole;

under section 9 of this chapter unless a court determines under  
IC 35-36-9 that the person is an individual with ~~mental retardation~~: **an intellectual disability**.

SECTION 57. IC 35-50-2-9, AS AMENDED BY P.L.168-2014,  
SECTION 119, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The state may seek either a  
death sentence or a sentence of life imprisonment without parole for  
murder by alleging, on a page separate from the rest of the charging  
instrument, the existence of at least one (1) of the aggravating  
circumstances listed in subsection (b). In the sentencing hearing after  
a person is convicted of murder, the state must prove beyond a  
reasonable doubt the existence of at least one (1) of the aggravating  
circumstances alleged. However, the state may not proceed against a  
defendant under this section if a court determines at a pretrial hearing  
under IC 35-36-9 that the defendant is an individual with ~~mental  
retardation~~: **an intellectual disability**.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing  
the victim while committing or attempting to commit any of the  
following:

(A) Arson (IC 35-43-1-1).

(B) Burglary (IC 35-43-2-1).

(C) Child molesting (IC 35-42-4-3).



- 1 (D) Criminal deviate conduct (IC 35-42-4-2) (before its
- 2 repeal).
- 3 (E) Kidnapping (IC 35-42-3-2).
- 4 (F) Rape (IC 35-42-4-1).
- 5 (G) Robbery (IC 35-42-5-1).
- 6 (H) Carjacking (IC 35-42-5-2) (before its repeal).
- 7 (I) Criminal gang activity (IC 35-45-9-3).
- 8 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- 9 (K) Criminal confinement (IC 35-42-3-3).
- 10 (2) The defendant committed the murder by the unlawful
- 11 detonation of an explosive with intent to injure a person or
- 12 damage property.
- 13 (3) The defendant committed the murder by lying in wait.
- 14 (4) The defendant who committed the murder was hired to kill.
- 15 (5) The defendant committed the murder by hiring another person
- 16 to kill.
- 17 (6) The victim of the murder was a corrections employee,
- 18 probation officer, parole officer, community corrections worker,
- 19 home detention officer, fireman, judge, or law enforcement
- 20 officer, and either:
- 21 (A) the victim was acting in the course of duty; or
- 22 (B) the murder was motivated by an act the victim performed
- 23 while acting in the course of duty.
- 24 (7) The defendant has been convicted of another murder.
- 25 (8) The defendant has committed another murder, at any time,
- 26 regardless of whether the defendant has been convicted of that
- 27 other murder.
- 28 (9) The defendant was:
- 29 (A) under the custody of the department of correction;
- 30 (B) under the custody of a county sheriff;
- 31 (C) on probation after receiving a sentence for the commission
- 32 of a felony; or
- 33 (D) on parole;
- 34 at the time the murder was committed.
- 35 (10) The defendant dismembered the victim.
- 36 (11) The defendant burned, mutilated, or tortured the victim while
- 37 the victim was alive.
- 38 (12) The victim of the murder was less than twelve (12) years of
- 39 age.
- 40 (13) The victim was a victim of any of the following offenses for
- 41 which the defendant was convicted:
- 42 (A) Battery committed before July 1, 2014, as a Class D felony



or as a Class C felony under IC 35-42-2-1 or battery committed after June 30, 2014, as a Level 6 felony, a Level 5 felony, a Level 4 felony, or a Level 3 felony.

(B) Kidnapping (IC 35-42-3-2).

(C) Criminal confinement (IC 35-42-3-3).

(D) A sex crime under IC 35-42-4.

(14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.

(15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):

(A) into an inhabited dwelling; or

(B) from a vehicle.

(16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).

(c) The mitigating circumstances that may be considered under this section are as follows:

(1) The defendant has no significant history of prior criminal conduct.

(2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.

(3) The victim was a participant in or consented to the defendant's conduct.

(4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.

(5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together



1 with new evidence presented at the sentencing hearing. The court shall  
 2 instruct the jury concerning the statutory penalties for murder and any  
 3 other offenses for which the defendant was convicted, the potential for  
 4 consecutive or concurrent sentencing, and the availability of good time  
 5 credit and clemency. The court shall instruct the jury that, in order for  
 6 the jury to recommend to the court that the death penalty or life  
 7 imprisonment without parole should be imposed, the jury must find at  
 8 least one (1) aggravating circumstance beyond a reasonable doubt as  
 9 described in subsection (l) and shall provide a special verdict form for  
 10 each aggravating circumstance alleged. The defendant may present any  
 11 additional evidence relevant to:

12 (1) the aggravating circumstances alleged; or

13 (2) any of the mitigating circumstances listed in subsection (c).

14 (e) For a defendant sentenced after June 30, 2002, except as  
 15 provided by IC 35-36-9, if the hearing is by jury, the jury shall  
 16 recommend to the court whether the death penalty or life imprisonment  
 17 without parole, or neither, should be imposed. The jury may  
 18 recommend:

19 (1) the death penalty; or

20 (2) life imprisonment without parole;

21 only if it makes the findings described in subsection (l). If the jury  
 22 reaches a sentencing recommendation, the court shall sentence the  
 23 defendant accordingly. After a court pronounces sentence, a  
 24 representative of the victim's family and friends may present a  
 25 statement regarding the impact of the crime on family and friends. The  
 26 impact statement may be submitted in writing or given orally by the  
 27 representative. The statement shall be given in the presence of the  
 28 defendant.

29 (f) If a jury is unable to agree on a sentence recommendation after  
 30 reasonable deliberations, the court shall discharge the jury and proceed  
 31 as if the hearing had been to the court alone.

32 (g) If the hearing is to the court alone, except as provided by  
 33 IC 35-36-9, the court shall:

34 (1) sentence the defendant to death; or

35 (2) impose a term of life imprisonment without parole;

36 only if it makes the findings described in subsection (l).

37 (h) If a court sentences a defendant to death, the court shall order  
 38 the defendant's execution to be carried out not later than one (1) year  
 39 and one (1) day after the date the defendant was convicted. The  
 40 supreme court has exclusive jurisdiction to stay the execution of a  
 41 death sentence. If the supreme court stays the execution of a death  
 42 sentence, the supreme court shall order a new date for the defendant's



1 execution.

2 (i) If a person sentenced to death by a court files a petition for  
3 post-conviction relief, the court, not later than ninety (90) days after the  
4 date the petition is filed, shall set a date to hold a hearing to consider  
5 the petition. If a court does not, within the ninety (90) day period, set  
6 the date to hold the hearing to consider the petition, the court's failure  
7 to set the hearing date is not a basis for additional post-conviction  
8 relief. The attorney general shall answer the petition for post-conviction  
9 relief on behalf of the state. At the request of the attorney general, a  
10 prosecuting attorney shall assist the attorney general. The court shall  
11 enter written findings of fact and conclusions of law concerning the  
12 petition not later than ninety (90) days after the date the hearing  
13 concludes. However, if the court determines that the petition is without  
14 merit, the court may dismiss the petition within ninety (90) days  
15 without conducting a hearing under this subsection.

16 (j) A death sentence is subject to automatic review by the supreme  
17 court. The review, which shall be heard under rules adopted by the  
18 supreme court, shall be given priority over all other cases. The supreme  
19 court's review must take into consideration all claims that the:

20 (1) conviction or sentence was in violation of the:

21 (A) Constitution of the State of Indiana; or

22 (B) Constitution of the United States;

23 (2) sentencing court was without jurisdiction to impose a  
24 sentence; and

25 (3) sentence:

26 (A) exceeds the maximum sentence authorized by law; or

27 (B) is otherwise erroneous.

28 If the supreme court cannot complete its review by the date set by the  
29 sentencing court for the defendant's execution under subsection (h), the  
30 supreme court shall stay the execution of the death sentence and set a  
31 new date to carry out the defendant's execution.

32 (k) A person who has been sentenced to death and who has  
33 completed state post-conviction review proceedings may file a written  
34 petition with the supreme court seeking to present new evidence  
35 challenging the person's guilt or the appropriateness of the death  
36 sentence if the person serves notice on the attorney general. The  
37 supreme court shall determine, with or without a hearing, whether the  
38 person has presented previously undiscovered evidence that  
39 undermines confidence in the conviction or the death sentence. If  
40 necessary, the supreme court may remand the case to the trial court for  
41 an evidentiary hearing to consider the new evidence and its effect on  
42 the person's conviction and death sentence. The supreme court may not





1 make a determination in the person's favor nor make a decision to  
2 remand the case to the trial court for an evidentiary hearing without  
3 first providing the attorney general with an opportunity to be heard on  
4 the matter.

5 (l) Before a sentence may be imposed under this section, the jury,  
6 in a proceeding under subsection (e), or the court, in a proceeding  
7 under subsection (g), must find that:

8 (1) the state has proved beyond a reasonable doubt that at least  
9 one (1) of the aggravating circumstances listed in subsection (b)  
10 exists; and

11 (2) any mitigating circumstances that exist are outweighed by the  
12 aggravating circumstance or circumstances.



COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 420, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 19, line 20, strike "the".

Page 19, line 21, delete "intellectually disabled" and insert **"people with an intellectual disability"**.

and when so amended that said bill do pass.

(Reference is to SB 420 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 420, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 420 as printed January 28, 2015.)

CLERE

Committee Vote: Yeas 11, Nays 0

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 420 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1-16-1, AS AMENDED BY P.L.99-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter:

"Authority" refers to the Indiana finance authority.

"Bonds" includes bonds, refunding bonds, notes, interim

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certificates, bond anticipation notes, and other evidences of indebtedness of the authority, issued under this chapter.

"Building" or "buildings" or similar words mean any building or part of a building or addition to a building for health care purposes. The term includes the site for the building (if a site is to be acquired), equipment, heating facilities, sewage disposal facilities, landscaping, walks, drives, parking facilities, and other structures, facilities, appurtenances, materials, and supplies that may be considered necessary to render a building suitable for use and occupancy for health care purposes.

"Cost" includes the following:

- (1) The cost and the incidental and related costs of the acquisition, repair, restoration, reconditioning, refinancing, or installation of health facility property.
- (2) The cost of any property interest in health facility property, including an option to purchase a leasehold interest.
- (3) The cost of constructing health facility property, or an addition to health facility property, acquiring health facility property, or remodeling health facility property.
- (4) The cost of architectural, engineering, legal, trustee, underwriting, and related services; the cost of the preparation of plans, specifications, studies, surveys, and estimates of cost and of revenue; and all other expenses necessary or incident to planning, providing, or determining the need for or the feasibility and practicability of health facility property.
- (5) The cost of financing charges, including premiums or prepayment penalties and interest accrued during the construction of health facility property or before the acquisition and installation or refinancing of such health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing and startup costs related to health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing.
- (6) The costs paid or incurred in connection with the financing of health facility property, including out-of-pocket expenses, the cost of any policy of insurance; the cost of printing, engraving, and reproduction services; and the cost of the initial or acceptance fee of any trustee or paying agent.
- (7) The costs of the authority, incurred in connection with providing health facility property, including reasonable sums to reimburse the authority for time spent by its agents or employees in providing and financing health facility property.



(8) The cost paid or incurred for the administration of any program for the purchase or lease of or the making of loans for health facility property, by the authority and any program for the sale or lease of or making of loans for health facility property to any participating provider.

"County" means any county in the state that owns and operates a county hospital.

"Health facility property" means any tangible or intangible property or asset owned or used by a participating provider and which:

(1) is determined by the authority to be necessary or helpful, directly or indirectly, to provide:

- (A) health care;
- (B) medical research;
- (C) training or teaching of health care personnel;
- (D) habilitation, rehabilitation, or therapeutic services; or
- (E) any related supporting services;

regardless of whether such property is in existence at the time of, or is to be provided after the making of, such finding;

(2) is a residential facility for:

- (A) individuals with a physical, mental, or emotional disability;
- (B) individuals with a physical or mental illness; or
- (C) the elderly; or

(3) is a licensed child caring institution providing residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the property is located.

"Health facility" means any facility or building that is:

(1) owned or used by a participating provider;

(2) located:

- (A) in Indiana; or
- (B) outside Indiana, if the participating provider that operates the facility or building, or an affiliate of the participating provider, also operates a substantial health facility or facilities, as determined by the authority, in Indiana; and

(3) utilized, directly or indirectly:

(A) in:

- (i) health care;
- (ii) habilitation, rehabilitation, or therapeutic services;
- (iii) medical research;
- (iv) the training or teaching of health care personnel; or
- (v) any related supporting services;

(B) to provide a residential facility for:



- (i) individuals with a physical, mental, or emotional disability;
- (ii) individuals with a physical or mental illness; or
- (iii) the elderly; or

(C) as a child caring institution and provides residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the facility or building is located.

"Net revenues" means the revenues of a hospital remaining after provision for proper and reasonable expenses of operation, repair, replacement, and maintenance of the hospital.

"Participating provider" means a person, corporation, municipal corporation, political subdivision, or other entity, public or private, which:

- (1) is located in Indiana or outside Indiana;
- (2) contracts with the authority for the financing or refinancing of, or the lease or other acquisition of, health facility property that is located:
  - (A) in Indiana; or
  - (B) outside Indiana, if the financing, refinancing, lease, or other acquisition also includes a substantial component, as determined by the authority, for the benefit of a health facility or facilities located in Indiana;
- (3) is:
  - (A) licensed under IC 12-25, IC 16-21, IC 16-28, or corresponding laws of the state in which the property is located;
  - (B) a regional blood center;
  - (C) a community mental health center or community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center (as defined in IC 12-7-2-38 and IC 12-7-2-39 or corresponding provisions of laws of the state in which the property is located);
  - (D) an entity that:
    - (i) contracts with the division of disability and rehabilitative services or the division of mental health and addiction to provide the program described in IC 12-11-1.1-1(e) or IC 12-22-2; or
    - (ii) provides a similar program under the laws of the state in which the entity is located;
  - (E) a vocational rehabilitation center established under IC 12-12-1-4.1(a)(1) or corresponding provisions of the laws of the state in which the property is located;



- (F) the owner or operator of a facility that is utilized, directly or indirectly, to provide health care, habilitation, rehabilitation, therapeutic services, medical research, the training or teaching of health care personnel, or any related supporting services, or of a residential facility for individuals with a physical, mental, or emotional disability, individuals with a physical or mental illness, or the elderly;
- (G) a licensed child caring institution providing residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the property is located;
- (H) an integrated health care system between or among providers, a health care purchasing alliance, a health insurer or third party administrator that is a participant in an integrated health care system, a health maintenance or preferred provider organization, or a foundation that supports a health care provider; or
- (I) an individual, a business entity, or a governmental entity that owns an equity or membership interest in any of the organizations described in clauses (A) through (H); and
- (4) in the case of a person, corporation, municipal corporation, political subdivision, or other entity located outside Indiana, is owned or controlled by, under common control with, affiliated with, or part of an obligated group that includes an entity that provides one (1) or more of the following services or facilities in Indiana:

- (A) A facility that provides:
  - (i) health care;
  - (ii) habilitation, rehabilitation, or therapeutic services;
  - (iii) medical research;
  - (iv) training or teaching of health care personnel; or
  - (v) any related supporting services.
- (B) A residential facility for:
  - (i) individuals with a physical, mental, or emotional disability;
  - (ii) individuals with a physical or mental illness; or
  - (iii) the elderly.
- (C) A child caring institution providing residential care described in IC 12-7-2-29(1).

"Regional blood center" means a nonprofit corporation or corporation created under 36 U.S.C. 1 that:

- (1) is:
  - (A) accredited by the American Association of Blood Banks;



or

(B) registered or licensed by the Food and Drug Administration of the Department of Health and Human Services; and

(2) owns and operates a health facility that is primarily engaged in:

(A) drawing, testing, processing, and storing human blood and providing blood units or components to hospitals; or

(B) harvesting, testing, typing, processing, and storing human body tissue and providing this tissue to hospitals.".

Page 8, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-18.5-10, AS AMENDED BY P.L.112-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit to be used to fund:

(1) community mental health centers under:

(A) IC 12-29-2-1.2, for only those civil taxing units that authorized financial assistance under IC 12-29-1 before 2002 for a community mental health center as long as the tax levy under this section does not exceed the levy authorized in 2002;

(B) IC 12-29-2-2 through IC 12-29-2-5; and

(C) IC 12-29-2-13; or

(2) community ~~mental retardation~~ **intellectual disability** and other developmental disabilities centers under IC 12-29-1-1;

to the extent that those property taxes are attributable to any increase in the assessed value of the civil taxing unit's taxable property caused by a general reassessment of real property under IC 6-1.1-4-4 or a reassessment of real property under a reassessment plan prepared under IC 6-1.1-4-4.2 that took effect after February 28, 1979.

(b) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy described in subsection (a).

(c) This subsection applies to property taxes first due and payable after December 31, 2008. Notwithstanding subsections (a) and (b) or any other law, any property taxes imposed by a civil taxing unit that are exempted by this section from the ad valorem property tax levy limits imposed by section 3 of this chapter may not increase annually by a percentage greater than the result of:

(1) the assessed value growth quotient determined under section 2 of this chapter; minus



(2) one (1).

(d) For a county that:

(1) did not impose an ad valorem property tax levy in 2008 for the county general fund to provide financial assistance under IC 12-29-1 (community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center) or IC 12-29-2 (community mental health center); and

(2) determines for 2009 or a later calendar year to impose a levy as described in subdivision (1);

the ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to the part of the county's general fund levy that is used in the first calendar year for which a determination is made under subdivision (2) to provide financial assistance under IC 12-29-1 or IC 12-29-2. The department of local government finance shall review a county's proposed budget that is submitted under IC 12-29-1-1 or IC 12-29-2-1.2 and make a final determination of the amount to which the levy limits do not apply under this subsection for the first calendar year for which a determination is made under subdivision (2).

(e) The ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to the county's general fund levy in the amount determined by the department of local government finance under subsection (d) in each calendar year following the calendar year for which the determination under subsection (b) is made.

SECTION 4. IC 10-13-3-36, AS AMENDED BY P.L.121-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 36. (a) The department may not charge a fee for responding to a request for the release of a limited criminal history record if the request is made by a nonprofit organization:

(1) that has been in existence for at least ten (10) years; and

(2) that:

(A) has a primary purpose of providing an individual relationship for a child with an adult volunteer if the request is made as part of a background investigation of a prospective adult volunteer for the organization;

(B) is a home health agency licensed under IC 16-27-1;

(C) is a community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center (as defined in IC 12-7-2-39);

(D) is a supervised group living facility licensed under IC 12-28-5;

(E) is an area agency on aging designated under IC 12-10-1;

(F) is a community action agency (as defined in





IC 12-14-23-2);

(G) is the owner or operator of a hospice program licensed under IC 16-25-3; or

(H) is a community mental health center (as defined in IC 12-7-2-38).

(b) Except as provided in subsection (d), the department may not charge a fee for responding to a request for the release of a limited criminal history record made by the department of child services or the division of family resources if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 31-27.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or nonpublic school (as defined in IC 20-18-2-12) as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer for the school corporation, special education cooperative, or nonpublic school.

(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution. The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

(1) by a state agency; and

(2) through the computer gateway that is administered by the office of technology established by IC 4-13.1-2-1.

(e) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the Indiana professional licensing agency established by IC 25-1-5-3 if the request is:

(1) made through the computer gateway that is administered by the office of technology; and

(2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1).

(f) The department may not charge a church or religious society a fee for responding to a request for the release of a limited criminal



history record if:

- (1) the church or religious society is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code;
- (2) the request is made as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer; and
- (3) the employee or volunteer works in a nonprofit program or ministry of the church or religious society, including a child care ministry registered under IC 12-17.2-6.

(g) The department may not charge the school of education of a public or private postsecondary educational institution a fee for responding to a request for the release of a limited criminal history record if the request is made as part of a background investigation of a student before or after the student begins the student's field or classroom experience. However, the department may charge the student a fee for responding to a request for the release of a limited criminal history record."

Page 15, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 9. IC 12-7-2-39, AS AMENDED BY P.L.141-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 39. "Community ~~mental retardation~~ **intellectual disability** and other developmental disabilities centers", for purposes of IC 12-29 (except as provided in IC 12-29-3-6), means a program of services that meets the following conditions:

- (1) Is approved by the division of disability and rehabilitative services.
- (2) Is organized for the purpose of providing multiple services for persons with developmental disabilities.
- (3) Is operated by one (1) of the following or any combination of the following:
  - (A) A city, a town, a county, or another political subdivision of Indiana.
  - (B) An agency of the state.
  - (C) An agency of the United States.
  - (D) A political subdivision of another state.
  - (E) A hospital owned or operated by a unit of government described in clauses (A) through (D).
  - (F) A building authority organized for the purpose of constructing facilities to be leased to units of government.
  - (G) A corporation incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17.



- (H) A nonprofit corporation incorporated in another state.
- (I) A university or college.
- (4) Is accredited for the services provided by one (1) of the following organizations:
  - (A) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.
  - (B) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.
  - (C) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.
  - (D) The National Commission on Quality Assurance, or its successor.
  - (E) An independent national accreditation organization approved by the secretary."

Page 15, line 12, delete "disabilities," and insert "**disability**,".

Page 16, between lines 22 and 23, begin a new paragraph and insert:  
 "SECTION 19. IC 12-7-2-175 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 175. "Service provider", for purposes of IC 12-27, means any of the following:

- (1) A state institution.
- (2) A private psychiatric hospital licensed under IC 12-25.
- (3) A community mental health center.
- (4) A community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center.
- (5) A service provider certified by the division of mental health and addiction to provide substance abuse treatment programs.
- (6) A service provider or program receiving money from or through a division.
- (7) Any other service provider, hospital, clinic, program, agency, or private practitioner if the individual receiving mental health services or developmental training was admitted without the individual's consent.
- (8) A managed care provider (as defined in ~~IC 12-7-2-127(b))~~: **IC 12-7-2-127).**

SECTION 20. IC 12-9-2-6, AS AMENDED BY P.L.99-2007, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The director may act for the division in entering into contracts for the disbursal of money and the providing of service for approved community ~~mental retardation~~ **intellectual disability** and other developmental disability centers where constructed and operated or maintained by private nonprofit organizations, a local public agency, or any other state agency that the director determines to



be best suited to advance programs for individuals with developmental disabilities.

(b) Before entering into a contract under this section, the director shall submit the contract to the attorney general for approval as to form and legality.

(c) A contract under this section must do the following:

- (1) Specify the services to be provided and the client populations to whom services must be provided.
- (2) Specify that the definition of developmental disability set forth in IC 12-7-2-61 must be used to determine the eligibility of an individual for reimbursement of the center by the division for the center's services for individuals with a developmental disability. The division shall reimburse the centers at rates established by rule.
- (3) Provide for a reduction in funding for failure to comply with terms of the contract."

Page 19, between lines 15 and 16, begin a new paragraph and insert:  
"SECTION 25. IC 12-11-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The division may contract with:

- (1) community ~~mental retardation~~ **intellectual disability** and other developmental disabilities centers;
- (2) corporations; or
- (3) individuals;

that are approved by the division to provide the services described in this chapter."

Page 20, between lines 12 and 13, begin a new paragraph and insert:  
"SECTION 28. IC 12-26-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. The superintendent of a facility to which an individual was committed under IC 12-26-6 or IC 12-26-7 or to which the individual's commitment was transferred under this chapter, may transfer the commitment of the individual to:

- (1) a state institution;
- (2) a community mental health center;
- (3) a community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center;
- (4) a federal facility;
- (5) a psychiatric unit of a hospital licensed under IC 16-21;
- (6) a private psychiatric facility licensed under IC 12-25;
- (7) a community residential program for the developmentally disabled described in IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2); or



(8) an intermediate care facility for the mentally retarded (ICF/MR) that is licensed under IC 16-28 and is not owned by the state;

if the transfer is likely to be in the best interest of the individual or other patients."

Page 20, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 30. IC 12-28-4-3, AS AMENDED BY P.L.99-2007, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. Residential facilities for individuals with a developmental disability must have sufficient qualified training and habilitation support staff so that the residential facility, regardless of organization or design, has appropriately qualified and adequately trained staff (not necessarily qualified ~~mental retardation~~ **intellectual disability** professionals (as defined in ~~42 CFR 442.401~~) **42 CFR 483.430**)) to conduct the activities of daily living, self-help, and social skills that are minimally required based on each recipient's needs and, if appropriate, for federal financial participation under the Medicaid program.

SECTION 31. IC 12-29-1-1, AS AMENDED BY P.L.182-2009(ss), SECTION 299, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The county executive of a county may authorize the furnishing of financial assistance to a community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center that is located or will be located in the county.

(b) Assistance authorized under this section shall be used for the following purposes:

- (1) Constructing a center.
- (2) Operating a center.

(c) Upon request of the county executive, the county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in subsection (b). The appropriation may not exceed the amount that could be collected from an annual tax levy of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

(d) For purposes of this subsection, "first calendar year" refers to the first calendar year after 2008 in which the county imposes an ad valorem property tax levy for the county general fund to provide financial assistance under this chapter. If a county did not provide financial assistance under this chapter in 2008, the county for a following calendar year:



- (1) may propose a financial assistance budget; and
- (2) shall refer its proposed financial assistance budget for the first calendar year to the department of local government finance before the tax levy is advertised.

The ad valorem property tax levy to fund the budget for the first calendar year is subject to review and approval under IC 6-1.1-18.5-10.

SECTION 32. IC 12-29-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) If a community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center is organized to provide services to at least two (2) counties, the county executive of each county may authorize the furnishing of financial assistance for the purposes described in section 1(b) of this chapter.

(b) Upon the request of the county executive of the county, the county fiscal body of each county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. The appropriation of each county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

SECTION 33. IC 12-29-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The county executive of each county whose residents may receive services from a community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center may authorize the furnishing of a share of financial assistance for the purposes described in section 1(b) of this chapter if the following conditions are met:

- (1) The facilities for the center are located in a state adjacent to Indiana.
- (2) The center is organized to provide services to Indiana residents.

(b) Upon the request of the county executive of a county, the county fiscal body of the county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. The appropriations of the county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

SECTION 34. IC 12-29-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Bonds of a county may be issued for the construction and equipment or the



improvement of a building to house a community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center.

(b) If services are provided to at least two (2) counties:

- (1) bonds of the counties involved may be issued to pay the proportionate cost of the project in the proportion determined and agreed upon by the fiscal bodies of the counties involved; or
- (2) bonds of one (1) county may be issued and the remaining counties may annually appropriate to the county issuing the bonds amounts to be applied to the payment of the bonds and interest on the bonds in the proportion agreed upon by the county fiscal bodies of the counties involved.

SECTION 35. IC 12-29-1-7, AS AMENDED BY P.L.141-2006, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) On the first Monday in October, the county auditor shall certify to:

- (1) the division of disability and rehabilitative services, for a community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center; and
- (2) the president of the board of directors of each center;

the amount of money that will be provided to the center under this chapter.

(b) The county payment to the center shall be paid by the county treasurer to the treasurer of each center's board of directors in the following manner:

- (1) One-half (1/2) of the county payment to the center shall be made on the second Monday in July.
- (2) One-half (1/2) of the county payment to the center shall be made on the second Monday in December.

(c) Payments by the county fiscal body are in place of grants from agencies supported within the county solely by county tax money."

Page 21, between lines 23 and 24, begin a new paragraph and insert: "SECTION 36. IC 16-18-2-163, AS AMENDED BY P.L.139-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

- (1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical



therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an advanced emergency medical technician, an athletic trainer, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community ~~mental retardation~~ **intellectual disability** center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5 and IC 16-36-6, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice nurse;





- (5) a certified nurse midwife;
- (6) a paramedic;
- (7) an emergency medical technician;
- (8) an advanced emergency medical technician; or
- (9) an emergency medical responder, as defined by section 109.8 of this chapter.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of IC 16-40-4, means any of the following:

- (1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.
- (2) A blood bank, laboratory, community mental health center, community ~~mental retardation~~ **intellectual disability** center, community health center, or migrant health center.
- (3) A home health agency (as defined in IC 16-27-1-2).
- (4) A health maintenance organization (as defined in IC 27-13-1-19).
- (5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).
- (6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:
  - (A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;
  - (B) is organized or registered under state law; and
  - (C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.
- (7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).

(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).".



Page 35, between lines 19 and 20, begin a new paragraph and insert:  
 "SECTION 37. IC 31-34-18-1.1, AS AMENDED BY P.L.145-2006,  
 SECTION 307, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2015]: Sec. 1.1. (a) The person preparing the  
 report under section 1 of this chapter:

(1) may; or  
 (2) if directed by the court, shall;  
 confer with individuals who have expertise in professional areas related  
 to the child's needs in the areas of appropriate care, treatment,  
 rehabilitation, or placement for a child in need of services.  
 (b) A conference held under this section may include  
 representatives of the following:

- (1) The child's school.
- (2) The probation department.
- (3) The department.
- (4) A community mental health center located in the child's  
 county of residence.
- (5) A community ~~mental retardation~~ **intellectual disability** and  
 other developmental disabilities center located in the child's  
 county of residence.
- (6) Other persons as the court may direct.

SECTION 38. IC 31-37-17-1.1, AS AMENDED BY P.L.145-2006,  
 SECTION 340, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2015]: Sec. 1.1. (a) The person preparing the  
 report under section 1 of this chapter:

(1) may; or  
 (2) if directed by the court, shall;  
 confer with individuals who have expertise in professional areas related  
 to the child's needs in the areas of appropriate care, treatment,  
 rehabilitation, or placement for a delinquent child.  
 (b) A conference held under this chapter may include  
 representatives of the following:

- (1) The child's school.
- (2) The probation department.
- (3) The department.
- (4) A community mental health center located in the child's  
 county of residence.
- (5) A community ~~mental retardation~~ **intellectual disability** and  
 other developmental disabilities center located in the child's  
 county of residence.
- (6) Other persons as the court may direct.

SECTION 39. IC 34-6-2-27 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. "Community ~~mental retardation~~ **intellectual disability** center", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-11.

SECTION 40. IC 34-18-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. "Community ~~mental retardation~~ **intellectual disability** center" means a public or private community ~~mental retardation~~ **intellectual disability** and other developmental disabilities center established under IC 12-29.

SECTION 41. IC 34-18-2-14, AS AMENDED BY P.L.232-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. "Health care provider" means any of the following:

- (1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, certified nurse midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, advanced emergency medical technician, or emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.
- (2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.
- (3) A blood bank, community mental health center, community ~~mental retardation~~ **intellectual disability** center, community health center, or migrant health center.
- (4) A home health agency (as defined in IC 16-27-1-2).
- (5) A health maintenance organization (as defined in IC 27-13-1-19).
- (6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).
- (7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:



- (A) as one (1) of its functions, provides health care;
- (B) is organized or registered under state law; and
- (C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action."

Renumber all SECTIONS consecutively.

(Reference is to ESB 420 as printed March 20, 2015.)

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